

## SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS

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**NOTE:** *The documented tracked changes included within this manual are intentional to communicate the current year's amendments.*

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## SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS

### CHAPTER 1

#### INTRODUCTION

##### **1-1 Introduction**

The *Specifications for Audits of Counties, Cities, and Towns* sets standards for audits of local governments in Virginia. The specifications in this manual apply to all audits of counties, cities, towns with populations of 3,500 or more, and towns operating a separate school division. The Code of Virginia does not require towns with populations of less than 3,500 without a separate school division to have an audit in accordance with these specifications. However, nothing prevents these towns from having an audit in accordance with these specifications at their option.

This 2020 revision of the *Specifications for Audits of Counties, Cities, and Towns* completely supersedes the prior revision. The 2020 revision is effective for audits of fiscal years ending on or after June 30, 2020.

No manual defining audit specifications can meet all the present and future needs of local governments or their auditors. Changes will occur with the issuance of new accounting and auditing pronouncements or as problems emerge. The Auditor of Public Accounts will periodically update this manual as changes occur. However, responsibility for complying with professional standards remains with the auditor, and the auditor should follow all new pronouncements.

##### **1-2 Organization of the Manual**

The *Specifications for Audits of Counties, Cities, and Towns* has six chapters, including this introduction. Besides the introduction, the audit specifications include *Audit Procedures* in chapter 2; *Virginia Compliance Supplement* in chapter 3; *Quality Control Program* in chapter 4; *Treasurer's Turnover Audits* in chapter 5; *Audit of Circuit Court Clerks* in chapter 6; and *Turnover Audit of Circuit Court Clerks* in chapter 7.

Chapter 2, *Audit Procedures*, has specific audit procedures unique to local government audits in Virginia. The Code of Virginia gives the Auditor of Public Accounts authority to issue audit specifications to help ensure the quality of local government audits. Additionally, the current auditing literature encourages governmental officials to provide auditors information on statutory or accounting requirement unique to a state or local government.

Chapter 3, *Virginia Compliance Supplement*, has required audit procedures for determining compliance with certain state laws, regulations, and policies. State agencies need assurance about the proper utilization of assets provided to local governments and that localities have complied with applicable laws and regulations. The chapter addresses some of the laws and regulations that an auditor may need to address regardless of materiality due to the nature of the statute or regulation. Accordingly, this chapter requires auditors to test and report on state compliance as part of the local government audit.

Chapter 4, *Quality Control Program*, discusses the Auditor of Public Accounts' quality control program. It includes the policies and procedures the Auditor of Public Accounts uses during desk and quality control reviews. This chapter also includes procedures the Auditor of Public Accounts uses if we find an audit of substandard quality.

Chapter 5, *Treasurer's Turnover Audits*, includes accounting and auditing specifications required to be performed when a county or city treasurer leaves office. The turnover audit must include all funds handled by the treasurer.

Chapter 6, *Audits of Circuit Court Clerks*, has required audit procedures when the CPA firm is engaged to complete the audit of the locality's Circuit Court Clerk pursuant to §15.2-2511 of the Code of Virginia.

Chapter 7, *Turnover Audit of Circuit Court Clerks*, includes the required auditing specifications to be performed when a CPA firm is engaged to complete the review when a Clerk leaves office.

### **1-3 Revisions to the Audit Specifications**

This 2020 revision of the *Specifications for Audits of Counties, Cities, and Towns* reflects existing professional literature at the time of issuance. However, as new accounting and auditing pronouncements emerge, the manual will need to change. The Auditor of Public Accounts will periodically review the audit specifications to identify changes that may be required. The Auditor of Public Accounts will distribute these changes to local governments and their auditors.

**1-4 Relationship to Other Standards**

The procedures in this manual are not intended to constitute, and do not constitute, an audit in accordance with generally accepted government auditing standards or Title 2 *U.S. Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). The procedures in this manual are additional work not necessarily required by those standards.

Some of the required procedures may provide the auditor with evidence useful in conducting the audit of the financial statements and the Schedule of Expenditures of Federal Awards. However, performance of these procedures alone will not satisfy the standards mentioned above. As a result, the auditor must perform such additional procedures as deemed necessary to satisfy those standards.

The Auditor of Public Accounts designed these specifications to help ensure the quality of local government audits and ensure compliance with material and significant state laws and regulations. Accordingly, the auditor must perform the required procedures in this manual; however, auditors may use judgment when applying audit procedures that involve audit sampling. The auditor's determination that certain procedures do not apply requires documentation in the working papers.

The Code of Virginia requires local governments to obtain an audit in accordance with the specifications of the Auditor of Public Accounts. In addition, most audit contracts incorporate a reference to these specifications. As a result, due professional care requires the auditor to follow all applicable standards in conducting local government audits, including the requirements of these specifications.

**1-5 Informational Resources**

There are many sources available to obtain information related to Virginia local governments. The following is a list of some of the organizations with their website address. These sites include information on ordering handbooks and manuals for Virginia local government officials.

- Virginia Association of Counties - <http://www.vaco.org/>
- Virginia Municipal League - <http://www.vml.org/>
- Virginia Government Finance Officers' Association – <http://www.vgfoa.org/>

## SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS

### CHAPTER 2

#### AUDIT PROCEDURES

##### 2-1 **General**

This chapter contains required audit procedures for local government audits made pursuant to §15.2-2511 of the Code of Virginia. Chapter 3 contains additional procedures that localities agree to have performed, when they accept state grants, contracts or other state funding. The degree of testing on these state compliance issues may depend on the terms of the state law, agreement or other requirements of the program.

Auditors should be thoroughly familiar with this chapter before planning and performing the audit and should incorporate these considerations into the auditor's plan and programs. The procedures contained in this chapter do not constitute an audit in accordance with *Government Auditing Standards*. The auditor should perform such additional procedures, as he deems necessary to satisfy those standards.

Where appropriate, the auditor must meet the requirement of the Single Audit Act Amendments of 1996 and the Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.

No manual defining audit specifications can meet all the present and future needs of local governments or their auditors. Changes will be needed as new accounting and auditing pronouncements and/or as problems emerge. The Auditor of Public Accounts will periodically update these specifications as changes occur. However, responsibility for complying with professional standards remains with the auditor and the auditor should follow all new pronouncements.

The auditor should be familiar with Virginia local governments including internal control and compliance issues. Available informational resources are provided in Chapter 1.

**Requirement:** The auditor must document in the working papers the justification for changing specifically required audit procedures.

## 2-2 **Auditing Standards and the Audit Contract**

**Requirement:** Auditors must conduct their audit in accordance *Government Auditing Standards* issued by the Comptroller General of the United States, and the *Specifications for Audits of Counties, Cities and Towns* issued by the Auditor of Public Accounts. The auditor must follow *Government Auditing Standards* on every audit, regardless of whether the local government received federal financial assistance.

**Requirement:** Auditors must discuss materiality, the anticipated nature and scope of the audit, and the planned work on internal controls and compliance during the procurement process and with management and the governing body before the start of the engagement each year. If a locality has an audit committee the discussion with this committee will meet this requirement. The auditor should document these discussions in the working papers. To the extent the governing body's expectations exceed professional standards, the auditor should incorporate these additional requirements into the contract documents. The auditor is then responsible for performing the audit in accordance with applicable standards and the terms of the audit contract.

## 2-3 **Audit Scope**

### **Requirement - Audit Scope**

The audit must include all component units of the local government, unless the audit contract indicates that other auditors will audit them. The audit must include the offices of each of the constitutional officers. Auditors must include in the audit all funds received from the Compensation Board and expenses paid by the local government for the constitutional officers, including the clerk of the circuit court, if the local government directly pays the expenses of this office. The local audit must also include trust and canteen funds held by the sheriff, even if the locality's financial statements do not report such funds. The auditor should also determine if any constitutional officers other than the clerk of the circuit court are holding funds for others even under court order and where appropriate consider their impact on the financial statements.

Unless contracted by the locality pursuant to §15.2-2511 of the Code of Virginia, auditors do not need to audit the collections of the clerk of the circuit court, nor do they need to audit any disbursements made by the clerk of the circuit court including office expenses and salaries, if the clerk makes these payments directly. The Auditor of Public Accounts will annually audit these collections and disbursements and any funds held by the clerk in his official capacity and



the state funds held by the local treasurer. Note: See Chapter 6, *Audit of Circuit Court Clerks*, for audit requirements when firm is engaged to perform the locality's Circuit Court Clerk audit.

## **2-4 Property Taxes and Property Taxes Receivable**

### **Background Information**

Property taxes are the largest source of revenues in most local governments. Property taxes typically consist of real estate taxes, personal property taxes, machinery and tools taxes, merchants' capital taxes, and mobile homes taxes. They also consist of real estate and personal property taxes on public service corporations. The State Corporation Commission assesses property owned by public service corporations and sends the valuation to the local commissioner of the revenue for use in the assessment process.

The commissioner of the revenue maintains the original assessment books showing the value of property. The commissioner forwards copies of the assessment books to the treasurer who records the levy in the local government's books and mails the tax bills. The treasurer collects the taxes and maintains the subsidiary listings for taxes receivable. Taxes receivable consist of both current and delinquent taxes.

The governing body has the authority to hear complaints from taxpayers and to revise individual assessments either up or down. When property values are revised upward, the commissioner or other assessing officer must prepare supplemental assessments. These assessments constitute an additional charge to the treasurer for collection and should be accounted for in the same manner as the original tax assessment.

When property values are revised downward or when mistakes come to the commissioner of the revenue's attention, the commissioner corrects his assessment books and completes an exoneration (abatement) form to correct the error. The commissioner forwards the approved exoneration form to the treasurer who writes off the taxes. The Code of Virginia prohibits the treasurer from adjusting the land books without authorization from either the commissioner of the revenue or the governing body. If the taxpayer has already paid the tax, the governing body must authorize the treasurer to make a refund for taxes already paid.

Most local governments offer some form of tax relief for the elderly or handicapped. The commissioner of the revenue records the valuation of these properties in the land book. However, the treasurer is not charged with the collection of these assessments and the treasurer does not record these amounts in his ledgers.

Delinquent personal property taxes typically remain on the books for five years. During this time, the treasurer or other collecting official is responsible for collecting the taxes. After five years, the treasurer returns the listing of delinquent personal property taxes to the governing body. Delinquent real estate taxes remain on the books for twenty years or until the property is sold. After the first year, the treasurer records the amount in the delinquent tax books and records a lien on the property. On December 31 following the third anniversary of the due date, the treasurer may implement proceedings to sell the property.

Delinquent real estate taxes are subject to special audit procedures to help ensure that payments on delinquent taxes are properly recorded. Because unpaid property taxes may result in a lien against the property or even sale of the property, it is imperative that the treasurer properly record payments in the tax records. Although most taxpayers do not respond to confirmation requests for delinquent taxes, direct confirmation is still the best way to detect unrecorded receipts.

**Required Audit Procedure - Property Taxes and Taxes Receivable**

1. The auditor must trace the original and supplemental assessments per the assessing officer's records to the treasurer's general ledger.
2. The auditor must obtain the State Corporation Commission's report showing the valuation of public service corporation property. The auditor must agree the Commission's valuations for real estate and personal property to the assessing officer's assessment sheets.
3. The auditor must perform appropriate audit procedures over exoneration forms to determine whether they have been properly approved. The auditor also must verify that the treasurer has properly recorded the exoneration in the general ledger and subsidiary assessment records. The auditor may choose to design audit procedures through sampling or other data analytics/system related procedures.
4. If the local government has assessed special levies for school, debt service, or other purposes, the auditor must verify that the local government distributed collections to the proper fund(s) for those levies.
5. The auditor must perform appropriate audit procedures to substantiate the balance of delinquent taxes.

## 2-5 **Intergovernmental Revenues**

### **Background Information**

Intergovernmental revenues are a significant revenue source in most local governments. Local governments receive money from the Commonwealth to assist in operating education, social services and other state programs. Local governments also receive money to pay a portion of the constitutional officers' salaries.

Most local governments also receive revenues from the federal government. The federal government may disburse the funds directly to the local government or may disburse them to a state agency, which then passes them through to the local government. Some local governments also participate in non-cash assistance programs such as loan guarantee, supplemental nutrition assistance programs, or commodities programs.

The Auditor of Public Accounts provides the State Disbursements Report to localities based on data extracted from the State's accounting and financial reporting system. This report is provided to local government officials and their auditors annually. The report shows most disbursements from state agencies to local governments and serves as a revenue confirmation. The State Disbursements Report distinguishes between state assistance and federal pass-through assistance. The state assigned fund numbers for federal pass-through assistance vary, but the Disbursement Report may be used in conjunction with the APA's annual Federal Programs Index and information received directly from the state agencies to test proper classification of intergovernmental revenues and to assist in determining the completeness of the schedule of expenditures of federal awards. In the event the auditor has questions or concerns about the accuracy of data contained in the State Disbursements Report, the auditor should contact the state agency that remitted the funds to the local government.

### **Required Audit Procedure - Intergovernmental Revenues**

The auditor must reconcile remittances of state disbursements and federal pass-through assistance appearing on the State Disbursements Report to Localities to the local government's records. The auditor can perform this procedure either by selecting a sample of remittances and tracing them into the local government's accounting records, or by reconciling total remittances to the local government's records. In performing this procedure, the auditor should ensure both proper recording and proper classification (as either a state or federal revenue).

**Additional Audit Considerations for Federal funds:**

The auditor may want to consider certain audit procedures to ensure the locality is properly accounting for all federal funds received. When performing the required audit procedure above for reconciling remittances of state disbursements and federal pass-through assistance, the auditor may consider ensuring the federal portion in the Schedule of Expenditures of Federal Awards equals the amounts the locality has reported to the Federal Audit Clearinghouse.

Additionally, the AICPA Audit and Accounting Guide, *Government Auditing Standards and Single Audits*, paragraph 7.13 states that “audit procedures should be performed to obtain sufficient appropriate audit evidence supporting the accuracy and completeness of the schedule of expenditures of federal awards, including the identification of federal programs in the schedule. In testing the accuracy and completeness of the schedule of expenditures of federal awards, the auditor may use evidence obtained from audit procedures performed during the audit of the financial statements and the Uniform Guidance compliance audit regarding the accuracy, completeness, and classification of recorded revenues and expenditures. Additionally, the auditor may consider reviewing an auditee-prepared reconciliation of amounts reported in the schedule of expenditures of federal awards and the related notes to corresponding amounts reported in the financial statements or other underlying records used to prepare the schedule (for example, the general ledger, reimbursement requests, loan agreements, or other supporting documentation). The auditor may also consider sending confirmations to federal awarding agencies or pass-through entities in an audit of a subrecipient.”

**2-6 Inmate Canteen and Other Auxiliary Funds**

Contact: Compensation Board; Robyn DeSocio, Executive Secretary; Phone – 804.225.3439 [robyn.desocio@scb.virginia.gov] [Reviewed May 2020]

**Background Information**

Most local correctional facilities, including jails, offer canteen services to their inmates. Facilities use various methods to sell these items to inmates, depending on the size of the facility and the number of times each week canteen services are offered. Net profits from the canteen operations that are generated from the inmates’ accounts must benefit the inmates in the custody of the Sheriff or Regional Jail Superintendent.

Some Sheriffs also receive funds from other sources directly related to jail operations. These include telephone commissions, inmate medical co-payments, work release and other fees collected from inmates. As further described below, these funds are either included in the canteen proceed accounts or go to the local treasurer and, through appropriation, defray the cost of the jail operations.

The inmate canteen accounts and telephone commissions are public funds. The Code of Virginia requires that these funds be used within the jail facility for purposes to benefit the inmates. The funds should not be used for the sheriff's personal gain or convenience.

Some jails have established work release and medical treatment programs where inmates contribute to the costs. Inmate co-payments for medical services are a set fee that covers only a portion of the costs of the services. The medical co-payments should directly offset the costs for medical programs.

Annually the Compensation Board prepares a Jail Cost Report on jail revenue and expenditure data from all local and regional jails and jail farms that receive funds from the Compensation Board. The jails must include an audited statement of revenues and expenses for inmate canteen accounts, telephone commission funds, inmate medical co-payment funds, any other fees collected from inmates, and investment/interest monies for inclusion in the report. See additional information on the Compensation Board internet site at <http://www.scb.virginia.gov>; follow the link for Publications and Forms (Jail Canteen Funding Audit Information)

#### Allowability Requirement – Inmate Canteen Accounts

In accordance with §53.1-127.1, the canteen account profits that are generated from the inmates' accounts are required to be used within the facility for purposes to benefit the inmates under the jurisdiction of the Sheriff or Regional Jail Superintendent. Any other profits may be used for the general operation of the sheriff's office (as appropriated by the governing body). The allowable expenses from profits of the inmate accounts include:

- Commissary-services, supplies, furnishings, equipment, training. Also, personnel services for time spent directly guarding or working in the commissary. [Note: These are all direct costs of the canteen.]

The profits from the inmate canteen should not be used to fund the normal operations of the jail. They may be used for:

- Education-services, supplies, equipment, furnishings, training.
- Recreation-services, supplies, equipment, furnishings.
- Library-services, supplies, furnishings, equipment, books, magazines, periodicals, newspapers.
- Indigent Inmate Care-stamps, clothing, personal hygiene items, vision, dental, medical, commissary items.
- Inmate care/programs-safety equipment, workforce clothing, workforce tools, laundry equipment, supplies, hygiene items, medical equipment.
- Special Food Service-special meals or food items associated with holidays and/or specific events/occasions.
- Special Counseling/Pastoral Care-services, supplies, equipment, furnishings, training.

The above allowable expenses are not considered all-inclusive and funds should not be used for goods or services that can be provided to the jail at no cost. Additional expenses may be approved at the sole discretion of the Sheriff/Regional Jail Superintendent, provided that the expense is for the care and welfare of inmates. **No expense shall be for the personal gain, benefit, consumption or use of any individual other than jail inmates.**

#### Allowability Requirement – Telephone Commissions

Commissions on inmate telephone calls preferably go directly to the local treasurer and are used to defray the cost of the jail operations. In some localities, the commissions are received directly by the Sheriff and are included in the canteen proceeds accounts. The allowable costs for telephone commissions that are received in the inmate canteen account are described above.

#### Allowability Requirement – Inmate Medical Co-payment Funds

The inmate medical co-payment funds should directly offset the costs for medical programs.

#### Allowability Requirement – Other Inmate Fees (Work Release, RAID and HEM monies) and Investment/Interest Monies

All fees collected from inmates and all interest earned on inmate accounts must be used for the benefit of the inmates or deposited with the Treasurer and used to defray the cost of jail operations.

**Required Audit Procedure - Inmate Canteen and other Auxiliary Funds**

The auditor must obtain the Jail Canteen Fund Activity Report for the fiscal year under audit and perform the following:

- Agree the revenue and expense amounts from the Jail Canteen Fund Activity to the accounting ledger.
- Select a sample of disbursement transactions from the inmate canteen accounts. For each transaction selected, determine whether the disbursement benefited the inmates based on the allowable costs described above.
- Determine the reasonableness of inmate medical co-payment funds collected during the year to ensure the funds were used to offset the total costs for medical programs.

*Note: The auditor may consider risk assessment and materiality when reviewing the medical co-payment funds collected. If the balance is material as it relates to the total costs, the auditor should consider selecting a sample of inmate medical co-payment fees, and trace each fee to the general ledger to determine whether it defrayed the inmate medical program costs.*

- Determine the reasonableness of other fees collected from inmates and to ensure that the subsequent disbursements from these fees benefited the inmates or were used to defray the cost of jail operations as appropriate, depending upon the type of fee or fund.

*Note: The auditor may consider risk assessment and materiality when reviewing other fees collected and investment/interest monies.*

**2-7 Sheriff Office Internal Controls**

All sheriffs are responsible for having sufficient controls and procedures in place to satisfy statutory requirements and prevent fraud, misuse, or loss of funds and assets. The Sheriff's office must deposit all sources of funds in an official bank account and these funds are subject to the auditor's review. The *Virginia Sheriffs Accounting Manual*, issued by the Auditor of Public Accounts, has recommended guidelines including aspects of sheriffs' internal control environment (a copy of the manual can be obtained from the APA website, Local Government, *Annual Guidelines, Manuals, and Other Procedural Documents* page, under Manuals, [http://www.apa.virginia.gov/APA\\_Reports/guidelines.aspx](http://www.apa.virginia.gov/APA_Reports/guidelines.aspx)). There are three major accounting areas in a Sheriff's office: jail operations, law enforcement; and court support services. The accounting procedures in the manual serve as a guide to sheriffs for developing individual accounting and control procedures appropriate for the functions within these areas.

Chapter 854 of the 2019 Acts of Assembly (Item 2.C.) includes audit requirements for any funds received by the local Sheriff. The locality's independent auditor is required to submit a letter to the Auditor of Public Accounts annually providing assurance as to whether for any funds received the sheriff has maintained a proper system of internal controls and records in accordance with the Code of Virginia.

**Required Audit Procedures:**

Gain an understanding of the Sheriff's operations and determine whether there are actions that locality's general administration typically performs. Consider such things as:

- Procurement - the Sheriff must meet the minimum standards of the Virginia Public Procurement Act when contracting for goods and services directly. For services, the value of the contract is a measure of the estimated gross amount of collections, not just the net profits. Examples include food services; inmate medical care; telephone services; canteen operations, etc.
- Personnel systems that account for special incentives, bonuses, etc. for deputies and other staff.

Determine whether the Sheriff is in compliance with applicable state and federal regulations and Sheriff's internal policies and procedures.

**Required Audit Procedure:**

Identify all sources of funds of the Sheriff's office and determine whether there are adequate internal controls in place over these funds. Additionally, determine whether the Sheriff is depositing all funds in an official account or remitting the funds to the local Treasurer as required.

**Required Audit Procedure:**

Determine whether the internal controls are functioning as intended and are adequate to:

- comply with the *Virginia Sheriffs Accounting Manual*
- comply with the Code of Virginia, Sections 15.2-1609 through 15.2-1625
- safeguard all money
- ensure proper accountability of funds and their disbursement

The auditor is required to perform these procedures regardless of the actual accounts held by the Sheriff. Note: The auditor should be mindful of the security and sensitivity requirements the Sheriff may have over certain areas, such as an evidence room. Where necessary, the



auditor should work with the Sheriff to determine acceptable audit procedures for these areas so they do not compromise legal proceedings.

**Required Audit Procedure:**

The auditor is required to submit a letter to the Auditor of Public Accounts by ~~November 30~~ December 15 each year for all local sheriffs. The auditor is required to provide assurance as to whether the sheriff has maintained a proper system of internal controls and records in accordance with the Code of Virginia. A sample letter is available on the APA website at [http://www.apa.virginia.gov/data/download/local\\_government/guidelines/Sheriffs\\_internal\\_control\\_Letter.docx](http://www.apa.virginia.gov/data/download/local_government/guidelines/Sheriffs_internal_control_Letter.docx)

**2-8      Reporting**

**Reporting Instances of Noncompliance, Fraud, and Illegal Acts**

Auditors should follow the requirements of *Government Auditing Standards* and the federal Uniform Guidance requirements for single audits, in reporting weaknesses in internal controls and noncompliance with laws and regulations. Auditors should use special care in determining whether to report noncompliance with state laws and policies, particularly with those issues tested in Chapter 3. The auditor may apply materiality thresholds and use professional judgment when making the determination to report noncompliance findings; for example, when evaluating whether the finding rises to the level of a material weakness or significant deficiency for Government Auditing Standards reporting purposes, or whether the finding is reported at a lower level in a written management letter. However, some state agencies rely on the auditor's reports to meet their sub-recipient monitoring responsibilities; accordingly, an "immaterial" instance of noncompliance may be significant to the state agency, particularly if other local governments are having similar problems. For example, an instance of noncompliance related to the Virginia Department of Social Services may be more significant on an overall state-wide level, versus noncompliance related to a late filing of a conflicts of interest form. Auditors should contact the state agency contact person included in the state agency contact list provided by the Auditor of Public Accounts each year if they have any questions about whether the state noncompliance is significant enough to include in the annual financial report.

**Requirement:** If the auditor reports state noncompliance in the annual financial report, the auditor must also send a copy of the report to the applicable state agency. (See the [State agency contact list](#) on the APA website.)

Auditors should disclose any questioned costs involving federal funds in accordance with the provisions of the Uniform Guidance audit requirements and the AICPA Audit and Accounting Guide, Government Auditing Standards and Single Audits, as amended. In addition to questioned costs of federal funds, the auditor should identify state "questioned costs" that are material to the financial statements. Specifically, the auditor should "question" unallowable, undocumented, unapproved, or unreasonable costs charged to state programs. Auditors should disclose state "questioned costs" in the auditor's report on compliance performed in accordance with *Government Auditing Standards* or in the Schedule of Findings and Questioned Costs. If the auditor includes them in the Schedule of Findings and Questioned Costs, the schedule should clearly distinguish between federal and state findings.

Auditor reports should be based on the requirements of the AICPA Audit and Accounting Guide for Audits of State and Local Governments, as amended.

The local government, or the auditor if so specified in the audit contract, must submit the data collection form and the reporting package to the Federal Clearinghouse as required by the Uniform Guidance audit requirements.

**Requirement:** In the event the audit discloses fraud or illegal acts, the auditor must follow applicable auditing standards for reporting on such instances in the auditor's report on internal control and compliance relevant information about:

- a. fraud
- b. noncompliance with provisions of laws or regulations and provisions of contracts or grant agreements that have a material effect on the financial statements or other significant financial data and any other instances that warrant the attention of those charged with governance
- c. abuse that is material, either quantitatively or qualitatively

Additionally, in the event the audit discloses fraud or illegal acts involving circumstances that suggest a reasonable possibility that a fraudulent transaction has occurred involving funds or property under the officer's control and an officer or employee of the local government may be involved, the auditor must advise the local government officials to report fraudulent transactions to the Auditor of Public Accounts, the State Inspector General, and the Superintendent of State Police in accordance with §30-138 of the Code of Virginia.

**Requirement:** If a local government employee is convicted of a felony related to a fraud in connection with employment at a locality, the local government officials have responsibility to notify the Virginia Retirement System, if the activity occurred on or after July 1, 2011, as the employee is no longer entitled to his or her pension benefits pursuant to §51.1-124.13 of the Code of Virginia. The auditor should inquire as to whether any such instances have occurred with any employee being convicted of a felony in connection with their employment at the locality, and if so, the auditor should ensure that the locality employer has initiated the pension benefit forfeiture process in accordance with VRS policy.

Note: Additional information related to this requirement can be found at the [Attorney General July 31, 2015 advisory opinion](http://ag.virginia.gov/index.php/citizen-resources/opinions/official-opinions), at <http://ag.virginia.gov/index.php/citizen-resources/opinions/official-opinions>.

### **Annual Financial Reports and Audit Completion**

Local governments are required to prepare the annual financial report in accordance with pronouncements of the Governmental Accounting Standards Board (GASB).

The auditor and/or locality should only submit a final audited financial report to the APA by ~~November 30~~ December 15 in compliance with §15.2-2510 of the Code of Virginia. The 2020 General Assembly session (Chapter 17) amended §15.2-2510 to change the locality's reporting deadline from November 30 to December 15, effective July 1, 2020. The auditor or locality should not email or send any "draft" version of a financial report to the APA; the APA will only accept a final copy of the audited financial report. The auditor and locality should be aware that the Auditor of Public Accounts publishes the locality's annual financial reports on the APA website. The report should not include any personally identifiable information or other sensitive, FOIA exempt information.

Refer to additional reporting instructions in the [Reporting Requirements and Distribution](http://www.apa.virginia.gov/APA_Reports/guidelines.aspx) document on the Auditor of Public Accounts website at [http://www.apa.virginia.gov/APA\\_Reports/guidelines.aspx](http://www.apa.virginia.gov/APA_Reports/guidelines.aspx).

The 2019 General Assembly session (Chapters 322, 361) amended §15.2-2511 of the Code of Virginia as follows:

- If the local government's audit is not completed as required by this statute, the locality shall promptly post a statement on its website, if such website exists, declaring that the required audit is pending, the reasons for the delay, and the estimated date of completion. Such statement shall also be posted and made available to the public at the next scheduled

meeting of the local governing body and also be sent to the Auditor of Public Accounts. The statement shall continue to be posted and updated until the audit is complete.

- Any town under the 3,500 population threshold (not required to have an annual audit under §15.2-2511 subsection C) that voluntarily contracts for or performs an audit shall submit the results of such audit to the Auditor of Public Accounts upon completion of the audit.

**NOTE: “Small towns” (under the 3,500 population threshold) are not required to follow these Audit Specifications during their audit, although they may elect to do so. Additionally, the ~~November 30-December 15~~ reporting due date required by Code §15.2-2510 is not applicable to a small town that voluntarily elects to receive an audit.**

**Requirement:** The auditor must render an opinion on the financial statements and provide the other appropriate reports required by *Government Auditing Standards* issued by the Comptroller General of the United States. The Auditor of Public Accounts also requires that the opinion(s) reference these Audit Specifications.

**Requirement:** The local government, or the auditor if so specified in the audit contract, must submit the final audited financial report to the Auditor of Public Accounts by ~~November 30~~ December 15 of each year in accordance with §15.2-2510 of the Code of Virginia. Additionally, if the School Board or other component unit of a locality issues a separate financial report, they are also required to submit copies of the final audited report to the Auditor of Public Accounts by ~~November 30-December 15~~. If the local government elects to prepare a separate single audit report, they are also required to submit that report to the Auditor of Public Accounts by ~~November 30-December 15 deadline~~ as soon as the single audit report is completed and issued.

In addition, for a “small town” (under the 3500 population threshold) that has voluntarily elected to contract for the performance of an audit, the town, or the auditor if so specified in the audit contract, should submit the final audit report to the Auditor of Public Accounts upon completion of the audit.

**Requirement:** The auditor must present the audited financial report to the local governing body at a public session by December 31 as required by §15.2-2511 of the Code of Virginia.

**Requirement:** If a local government’s audit is delayed past the required deadlines of submitting the audited financial report and transmittal data to the APA (Code of Virginia §15.2-2510) and the auditor’s requirement to present the results of the audit to the local governing

body (Code of Virginia §15.2-2511), the auditor should determine if the local government has posted the appropriate statement concerning the audit delay and notified accordingly of the audit delay at the next governing body meeting.

### **Management Letters**

In accordance with Chapter 854 of the 2019 Acts of Assembly, Item 2.E., any auditor communication related to other internal control deficiencies and/or financial matters that merit the attention of locality management and the governing body (commonly referred to as a “management letter”) must be made in the form of official, written communication; this communication cannot be made orally.

Additionally, the Auditor of Public Accounts publishes on the APA website any written Management letters separately issued to the locality. **The locality and auditor should ensure that sensitive/FOIA exempt information, for example FOIA exempt information related to an internal control weakness in information systems, has been redacted from the written Management letter submitted to the APA.**

**Requirement:** The auditor must provide in official, written communication any other internal control deficiencies or other financial matters that the auditor has communicated with locality management and the local governing, outside of the report on internal control. The auditor must submit to the Auditor of Public Accounts a copy of any separate written management letter that the auditor has issued to the locality management and governing body.

## **2-9 Comparative Reporting**

### **Background Information**

The Code of Virginia requires the Auditor of Public Accounts to prepare an annual report showing comparative data for local governments in Virginia. To prepare this report, the Auditor of Public Accounts requires local governments, or their auditors if so specified in the audit contract, to submit data using Comparative Report Transmittal Forms. Copies of the transmittal forms, including the auditor's report on the forms, must be submitted to the Auditor of Public Accounts by ~~November 30~~ December 15 of each year in accordance with §15.2-2510 of the Code of Virginia.

The Uniform Financial Reporting Manual specifies the format and contents of the transmittal forms. Much of the information contained in the transmittal forms comes from the audited financial statements. However, to make the report comparable between local governments,

certain adjustments must be made to the data. These special reporting requirements apply only to the transmittal forms and do not alter the requirement to prepare the annual financial report in accordance with generally accepted accounting principles.

**Requirement:**

Auditors must perform agreed-upon procedures on the transmittal forms as set forth in the [Uniform Financial Reporting Manual](#). Auditors must then report on the results of the agreed-upon procedures in accordance with the [Uniform Financial Reporting Manual](#).

**SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS****CHAPTER 3****VIRGINIA COMPLIANCE SUPPLEMENT****3-1 General**

This chapter includes required audit procedures for determining compliance with certain state laws and regulations. The required procedures contained within this chapter relate to all local government audits conducted pursuant to §15.2-2511 of the Code of Virginia. Chapter 2 contains additional required procedures related to local government audits.

The Auditor of Public Accounts has established these procedures in conjunction with the various state agencies named within this chapter. State agencies providing funds to local governments need assurance that the locality has complied with applicable laws and regulations. To this end, the Governor of Virginia has asked state agencies to work with the Auditor of Public Accounts to develop audit requirements related to state programs. This compliance supplement is a direct result of that request.

Many state programs require audits to determine the proper management of their programs and funds. Combining audit requirements for these state programs into the local government audit streamlines the audit process and ensures uniformity. The Auditor of Public Accounts believes that the incorporation of compliance procedures into the local government audit will increase audit efficiency and ultimately reduce audit costs.

The required procedures also may provide evidence for the auditor's report on compliance in accordance with Government Auditing Standards. Generally accepted government auditing standards require the auditor to identify and test those items of law that may have a material effect on the local government's financial statements. This chapter contains those provisions of state laws, regulations, and policies considered material by the Auditor of Public Accounts and the various state agencies that assisted in the development of this chapter.

Although performance of the required procedures may help satisfy the requirements of certain standards, the procedures contained in this chapter do not constitute an audit in accordance with generally accepted government auditing standards or the federal Uniform Guidance requirements for single audits. The auditor must perform such additional procedures, as deemed necessary to satisfy those standards. In addition, the auditor must perform any additional procedures required by the audit contract.

This chapter contains all of the Auditor of Public Accounts' requirements at the time of issuance of these specifications. The Auditor of Public Accounts will continue to work with state agencies to develop compliance requirements. The Auditor of Public Accounts will distribute additional requirements to local governments and their auditors as they arise. The auditor should follow generally accepted auditing standards and the terms of individual grant agreements in determining whether to perform tests of compliance for state programs not included in the current specifications.

Specific questions regarding the requirements contained within this chapter should be addressed to the related state agency. General questions regarding the audit specifications can be directed to the local government section of the Auditor of Public Accounts.

### **3-2 Using the Virginia Compliance Supplement**

This chapter has two parts: general requirements and program specific (state agency requirements). Sections 3-3 through 3-9 contain generally applicable requirements that the auditor must consider on every audit. Generally applicable requirements are provisions of state law that affect all or most local governments. Consequently, the auditor must perform the required procedures on every audit, regardless of materiality.

The remainder of the chapter, Sections 3-10 through 3-17, contains program specific requirements. Program specific requirements must be tested for all material state programs (except where otherwise noted below at applicable sections where materiality is not applicable). Auditors shall determine whether a program is material by comparing total program expenditures to the materiality levels established in the planning stage for the applicable reporting level. The separate reporting levels for materiality purposes are defined by the AICPA's Audit and Accounting Guide, Audits of State and Local Governments. If program expenditures are material to the reporting level, the auditor must perform the required procedures set forth in this chapter. If the program expenditures are not material to the reporting level, test work relative to that particular state program is optional, unless the program has an annual audit requirement. If the state grantor agency requires an annual audit, the auditor must perform the required procedures contained in this chapter regardless of materiality. Once the auditor determines which state programs must be tested, the auditor must perform all of the required audit procedures for that program.

Auditors should follow generally accepted auditing standards for all the Virginia Compliance Supplement required procedures. This includes consideration of factors such as the amount



of program expenditures, the newness of the program or changes in its conditions, prior experience with the program, and the expectation of adherence or lack of adherence to the program requirements and standards in determining the number of transactions to be tested. The auditor also should review the contract or grant agreement to identify requirements specific to the local government under audit.

Auditors should disclose findings related to state programs (including any questioned costs) in accordance with requirements contained in [Section 2-8 Reporting](#). Generally, any unsupported costs, unapproved costs, missing documentation related to eligibility, or the absence of a required reconciliation is considered noncompliance and must be reported.

Two or more local governments may jointly operate some state programs. For example, a city and a county may share a social services board. In cases of joint programs, the fiscal agent should arrange for the program audit. In some cases, the program audit may be a part of the local government audit in accordance with these audit specifications, or separately in accordance with the [Specifications for Audits of Authorities, Boards and Commissions](#). If the program is a part of the local government audit, the auditor must include any findings in the locality's audited financial report in accordance with requirements contained in Section 2-8, Reporting. If a program has a separate audit, the auditor must include any findings in the separate report on the joint activity. Regardless of program structure, the auditor should audit all of the programs annually in accordance with the specifications of the Auditor of Public Accounts.

## **GENERAL REQUIREMENTS:**

### **3-3 Budget and Appropriation Laws**

The annual budget and appropriation process controls local expenditures. The Staff propose a budget and the governing body then has a series of public hearings to obtain the public's comments on the proposal. The board of supervisors or other governing body will review and approve a final budget and must appropriate the funds so they can be spent.

#### Special Requirement - Public Notice

The governing body must hold public hearings on the annual budgetary process, budget amendments, and proposed tax increases in accordance with Sections 15.2-2506, 15.2-2507, and 58.1-3321 of the Code of Virginia.

**Required Audit Procedure:** Determine if the required public hearings on the budget, budget amendments, and proposed tax increases were properly held, such as through review of board minutes from the date of hearing or other applicable procedures.

**Special Requirement - Appropriations**

No money may be paid out for any expenditure unless and until the governing body has made an appropriation for the expenditure (Sections 15.2-2506 and 58.1-3001 of the Code of Virginia).

**Required Audit Procedure:** Compare adjusted appropriations and expenditures in each fund and determine whether disbursements were made in excess of appropriations. If auditor notes that disbursements were made in excess of appropriations, auditor should follow-up and discuss accordingly with management and the governing body concerning any potential noncompliance or control weakness in the locality's budget process.

When reviewing to ensure no money has been paid out for any expenditure unless and until the governing body has made an appropriation for the expenditure, the auditor should also consider whether the local government has entered into a material/significant contract for services (except for an emergency situation) prior to sufficient unencumbered appropriations being available to cover the full value of the contract.

Note: When reviewing whether expenditures were made in excess of appropriations, the auditor may choose to apply judgment to review those funds considered significant and material to the financial statements.

**Special Requirement - Availability of Cash**

Warrants may not be drawn on any fund unless cash is available with the treasurer to pay the warrant (Section 15.2-1244 of the Code of Virginia, is applicable to counties). Overnight investments (i.e., repurchase agreements, certificates of deposit, etc.) held by the same bank may be considered in computing available cash.

Additionally, there must be sufficient cash in the bank at the time the Treasurer (or their designee) issues any check.

Special law or city or town ordinance may have similar provisions requiring that sufficient funds are available for all disbursements. The auditor should be aware of these provisions.

**Required Audit Procedure:** The auditor needs to determine whether the Treasurer has appropriate internal controls to ensure cash is available in the bank for all checks issued. Also, determine whether appropriate internal controls are in place to ensure Treasurer has sufficient funds available for bank warrants and drafts. Issuing checks or warrants without having cash or other assets is the equivalent of incurring unapproved debt.

### 3-4 **Cash and Investments**

Contact: Department of the Treasury; Kristin Reiter; 804-225-3240; [Kristin.Reiter@trs.virginia.gov](mailto:Kristin.Reiter@trs.virginia.gov). [Updated July 2020]

The Code of Virginia contains various requirements designed to safeguard state and local funds. Deposits must be secured in accordance with the Virginia Security for Public Deposits Act (Section 2.2-4400 et. seq. of the Code of Virginia). The Act requires governments to use bank and financial institutions that meet specific collateralization requirements. The Code of Virginia also places restrictions on the types of investments a local government may invest in.

The state Department of the Treasury makes available a monthly listing of qualified depositories. The listing may be obtained from Treasury's website at <https://www.trs.virginia.gov/Operations>. Under *Important Links*, click *SPDA Depositories*.

#### **Special Requirement - Petty Cash Funds**

The board of supervisors of any county may, by resolution, establish one or more petty cash funds not to exceed \$5,000 each (Section 15.2-1229 of the Code of Virginia). [Note: requirement does not apply to cities or towns.]

**Required Audit Procedure:** Obtain or prepare a listing of any new petty cash funds maintained by the county that were established during the fiscal year. Examine the board resolution establishing the fund(s). Determine whether any funds are in excess of \$5,000.

Note: The auditor may consider risk assessment and materiality when reviewing any new petty cash funds during the year.

#### **Special Requirement - Public Depositories**

All public deposits must be made into a qualified public depository in accordance with the Virginia Security for Public Deposits Act (Section 2.2-4407 of the Code of Virginia). Treasurers must ensure the qualified depository identifies the account(s) as public deposits. Public

deposits include all moneys of the Commonwealth, local governments, or constitutional officers of local governments, including any canteen and inmate trust funds held by the sheriff.

In the Security for Public Deposits Act amendments, effective July 1, 2010, the definition of “public deposit” is redefined to “mean moneys held by a public depositor who is charged with the duty to receive or administer such moneys and is acting in an official capacity, . . . “Application of this revised definition of “Public Deposit” may allow for the inclusion of school activity funds and other funds held by a public entity as public deposits that may have previously been excluded.

Under the Act, banks and savings and loans holding public deposits in excess of the amounts insured by FDIC must pledge collateral to secure those public deposits in amounts set by regulations or action of the Treasury Board. Banks and savings and loans holding public deposits have two methods to secure Virginia public deposits: the dedicated method or the pooled method.

As the FDIC coverage limits have continued to change over the last few years, auditors should refer to guidance on insurance coverage for governmental units at the FDIC’s website: <http://www.fdic.gov/deposit/deposits/factsheet.html>. Balances in excess of the FDIC limits are covered under Virginia’s Security for Public Deposits Act. Under the Virginia Security for Public Deposits Act, balances in excess of the FDIC limit are covered if the local official properly identifies the funds as public funds and holds them in a Virginia qualified public depository.

Under the dedicated method, public depositories can secure public deposits without accepting the contingent liability for the losses of public deposits of other qualified public depositories. Because the Commonwealth can only look to the collateral pledged by the depository choosing the dedicated method to cover any losses of deposits if the depository fails, the collateral required to be pledged and the reporting requirements under the dedicated method are more stringent than under the pooled method. Depositories choosing the dedicated method must pledge collateral between 105% to 130% of their public deposit balances net of FDIC based on the financial condition of the depository. Dedicated depositories are required to report their public deposit balances and the market value of pledged collateral on a weekly basis.

Under the pooled method, public depositories accept a contingent liability for the possible loss of public deposits from the failure of other public depositories that choose the pooled method. In the event of the failure of a pooled depository, the Treasury Board would first look to the

collateral pledged by the failed depository to recover the loss of public deposits. If the realized value of the pledged collateral of the failed depository is not sufficient to cover the loss of public deposits at the failed depository, the Treasury Board will assess the remaining loss against the other depositories in the pool based on average public deposit balances held by pooled depositories during the previous twelve months.

For pooled banks and savings and loans, the collateral requirements approved by the Treasury Board in February 2009 are now effective. For the first \$50 million in public deposits, the bank is required to pledge 50 percent collateral. For public deposits between \$50 million and \$250 million, the bank is required to pledge 75 percent collateral. For public deposits over \$250 million, the bank is required to pledge 100 percent collateral. Based on their financial condition, Treasury Board may require some pooled banks to pledge 100% collateral.

The Treasury Board is responsible for monitoring compliance with the collateralization and reporting requirements of the Act and for notifying local governments of compliance by banks and savings and loans.

The Treasury Board has a feature to confirm that a Virginia governmental unit's public deposits are being reported as public deposits and collateralized by the governmental unit's public depository in accordance with the Security for Public Deposits Act. The Public Fund Search application is located on the Department of the Treasury's website under the Operations Division page at the following link URL: <https://spda.trs.virginia.gov/quarterlysearch.aspx>. The application allows governmental units to quarterly ensure that their depositories are accurately reporting the unit's public deposit accounts to the Treasury Board.

**Required Audit Procedure:**

In Virginia, the auditor has additional responsibility with regard to cash accounts held in banks and other financial institutions. The auditor should determine the following:

1. The balances in all official bank accounts held by the Treasurer, Director of Finance, or other Constitutional Officers are appropriately reported in the locality's annual financial statements.

NOTE: The auditor may determine to perform audit procedures, such as obtaining confirmations or reviewing contracts with banks, as appropriate for this requirement according to the auditor's planning and risk assessment procedures. If the auditor chooses to use bank confirmation procedures, auditors should encourage localities to contact their

local bank's customer relations manager to negotiate potential reduced or waived confirmation request fees.

2. All of the locality's public funds held by the Treasurer, Director of Finance, or other Constitutional Officer are properly insured against loss in accordance with current FDIC coverage for demand and savings accounts and the Virginia Security for Public Deposits Act.

To determine whether the locality has adequate protection against loss for bank balances in excess of the FDIC limit, obtain a listing from the state Department of Treasury's SPDA website application and agree the SPDA information to the locality's reported balances per the locality's bank statements.

#### Special Requirements – SNAP Accounts

Sections 2.2-4700 through 2.2-4705 of the Code of Virginia, the Government Non-Arbitrage Investment Act, authorizes the Virginia Treasury Board to provide assistance to local governments in the management of and accounting for their bond funds including, without limitation, bond proceeds, reserves, and sinking funds, and the investment thereof.

Following the passage of the Tax Reform Act of 1986, which placed arbitrage restrictions and additional reporting requirements on issuers of tax-exempt municipal bonds, a group of local finance officials, working together with the Virginia Department of the Treasury introduced legislation authorizing the Treasury Board of Virginia to implement the State Non-Arbitrage Program® (SNAP).

Since 1989, the Treasury Board has sponsored the SNAP Program to provide comprehensive investment management, accounting and arbitrage rebate calculation service for proceeds of tax-exempt and certain taxable financings of Virginia issuers through the hiring of a Program Administrator, Rebate Calculation Agent, Program Custodian, and legal counsel.

Participation, initially limited to general-obligation bonds issued by Virginia's localities, has been expanded to allow for the participation of the Commonwealth of Virginia itself as well as its boards and authorities and those of local governments (collectively referred to as Participants). The Program now accepts proceeds of G.O. and revenue bonds.

Participants can participate in the Program by opening a Pool Account or a Pool Account accompanied by an Individually Managed Portfolio. Participants that are uncertain of how quickly they will spend their bond proceeds generally only open a Pool Account. Participants

that have some estimate of their spending plans sometimes open Individual Portfolios in an effort to maximize their potential interest earnings. At the Participant's request, the Program Administrator develops a customized portfolio model to meet the unique draw schedule of the Participant's bond issue.

#### Pool Accounts

Participants that open a Pool Account buy into a fund that is structured as a Local Government Investment Pool (LGIP) managed in accordance with the Government Accounting Standards Board (GASB) Statement 79. In Fiscal Year 2017, the SNAP Portfolio converted from an SEC 2a-7 registered Money Market Fund to the LGIP vehicle, retaining the same standards of safety, liquidity, maturity and diversification that governed the Pool in its previous status as an SEC Fund. The Pool is managed to maintain a dollar weighted average maturity of 60 days or less and to maintain a constant net asset value of \$1 per share. The Program Administrator makes all investment decisions and purchases for the Pool. The Program Administrator provides monthly reports to the Participants. The Virginia Treasury Board provides governance and oversight of the SNAP LGIP and individual portfolios. Audited financial statements are provided annually to all Participants.

Local auditors should confirm asset balances by contacting the SNAP Program Administrator. (<https://www.vasnap.com/>) In addition, local auditors should review the most recent arbitrage report to determine potential financial statement reporting and/or disclosures.

#### Individually Managed Portfolios

Participants that open a Pool Account accompanied by an Individually Managed Portfolio (an IP) collaborate with the Program Administrator to determine a customized investment strategy which may include investments in the Pool and in individual investment securities. The Program Administrator then implements the investment strategy and provides monthly reports to the Participants.

Participants are required to participate in the Pool in order to also have an Individually Managed Portfolio. As a control measure, funds cannot be wired out of an IP. Monies must first be transferred to a Pool and then wired out. This procedure provides a clear audit trail because all cash movements are recorded in the mutual fund accounting system and shown on monthly pool reports to participants. In addition, it assures that maturities and coupon payments are invested at all times.

Participants in the Individually Managed Portfolios are also required to submit additional documentation to the Program's Administrator: a completed W-9 form for the custodian bank, to establish a custody account in the name of the public entity; and a determination how fees associated with the individual portfolio for investment advisor and custody are to be paid, either by check or automatic payment from the Participant's associated Pool Account.

Local auditors must audit SNAP Individually Managed Portfolios just like any other investment portfolio held by the local government. The SNAP Individually Managed Portfolios are not audited by any other party.

#### Program Custodian

Securities purchased for an IP are held by the Program Custodian or for revenue bonds may be held by the issuer's bond trustee. Both the Program Administrator and the Participants are given access to the Participant's IP account at the Program Custodian in order to ensure compliance and to obtain information for accounting records. The Program Custodian is selected through an RFP process administered by Treasury Department Staff and is subject to annual review by the Treasury Board. The Program Custodian is selected in conjunction with the selection of a custodian for the Pool but may or may not be the same financial institution as the Pool's custodian. Currently, the Program Custodian and Pool Custodian are the same financial institution. The Treasury Board contracts with the Program Custodian and the Pool Custodian.

Local government auditors can confirm IP investments by contacting the Program Custodian. In addition, the auditor should consider reviewing the Pool Custodian's and Program Custodian's Service Organization Control reports (formerly SAS 70) for custodial services. Local government auditors should ensure the local government has adequate expertise and internal controls to authorize, execute and monitor investment activity.

#### **Required Audit Procedure:**

For SNAP Pool Accounts, auditor should confirm asset balances by contacting the SNAP Program Administrator (See <https://www.vasnap.com/> for address).

#### **Required Audit Procedure:**

For SNAP Pool Accounts accompanied by Individually Managed Portfolios, auditor should confirm asset balances by contacting the SNAP Program Administrator (see



<https://www.vasnap.com/> for address) and the Program Custodian respectively. Document the source of the confirmations.

*Additional Suggested Audit Procedures:*

- A. For both Pool Accounts and Pool Accounts accompanied by Individually Managed Portfolios, auditor may consider reviewing the most recent arbitrage report to determine if the government is properly managing arbitrage and if there is any necessity for financial statement reporting and/or disclosure.
- B. For Individually Managed Portfolios, auditor may consider reviewing the locality's methodology and procedures to determine whether they are appropriate for managing spending requirements and arbitrage.
- C. For Individually Managed Portfolios, auditor may consider reviewing the locality's internal controls for authorizing, executing, and monitoring investment activity.
- D. For Pool Accounts and Pool Accounts accompanied by Individually Managed Portfolios, auditor may consider reviewing the locality's internal controls over drawing down bond proceeds. Determine how the locality prevents unauthorized transfers.

Special Requirement - Legality of Investments

All investments must be legal investments as defined by Chapter 45 (Section 2.2-4500 et. seq.) of Title 2.2 of the Code of Virginia. Generally, local governments may invest in obligations of the United States or agencies thereof, obligations of the Commonwealth of Virginia or political subdivisions thereof, obligations of the International Bank for Reconstruction and Development (World Bank), the Asian Development Bank, the African Development Bank, "prime quality" commercial paper that has received at least two of the following ratings: rated P-1 by Moody's Investors Service, Inc.; A-1 by Standard and Poor's; Corporation or F1 by Fitch Ratings, Inc. (§2.2-4502), banker's acceptances, repurchase agreements, and the State Treasurer's Local Government Investment Pool (LGIP).

Required Audit Procedure:

Obtain or prepare a listing of all investments held by the local government during the year. Determine whether investments constitute legal investments as defined by Chapter 45 (Section 2.2-4500 et. seq.) of Title 2.2 of the Code of Virginia.

**3-5 Conflicts of Interest** *[Updated June 2020]***Background Information**

The State and Local Government Conflict of Interests Act is contained in Chapter 31 of Title 2.2 of the Code of Virginia (§2.2-3100 et. seq.). The Act is designed to assure that the judgment of public employees is not compromised or affected by inappropriate conflicts. The Act prohibits local government officers or employees from participating in certain transactions in which they or their family members have a material financial interest. The Act absolutely prohibits other activities such as accepting bribes.

Section 2.2-3115 of the Code of Virginia stipulates that certain local government employees are required to file SOEI forms with their respective local body. Prior to assuming office or taking employment, each person listed below must file his or her required disclosure form. Thereafter, the local official must file on an annual basis.

**The following local officials are required to file the State and Local Statement of Economic Interests per §2.2-3115:**

- Members of the Board of Supervisors
- Members of the City Council
- Members of the Town Council, if the town has a population exceeding 3,500
- Members of the school board
- Persons holding positions of trust appointed or employed by the governing body if the governing body has passed an ordinance requiring them to file
- Persons holding positions of trust appointed or employed by school board if the school board has adopted a policy requiring them to file
- Members of the governing body of any entity established in a county or city with the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year if the governing body of the appointing jurisdiction has required them to submit this form

**The following local officials are required to file the Financial Disclosure Statement per §2.2-3115:**

- Members of the governing body of any entity established in a county or city with the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year unless required to file the Statement of Economic Interest by the governing body of the appointing jurisdiction.
- Non-salaried citizen members of local boards, commissions, and councils if the governing body has designated them to file.

**The following local officials are required to file the Real Estate Disclosure per §2.2-3115(G):**

- Planning commission members
- Members of board of zoning appeals
- Real estate assessors
- County, city, or town managers
- Executive officers

**If the local government individual in question does not meet one of the aforementioned criteria, they cannot be mandated to file.**

~~Constitutional Officers are required to file the State and Local Statement of Economic Interests per §2.2-3114 and §2.2-3116 of the Code of Virginia, and in accordance with the Governor's Executive Order 33.~~

**The filing deadline for Calendar Year 2019 filings was February 1, 2020.**

Auditors should consider the following information when reviewing conflicts of interest:

- Local officials must file their disclosure forms with the Clerk of the appropriate governing body. The clerk of the governing body (or school board as applicable) are required to maintain the disclosure form records. Auditors should direct their requests accordingly. Local elected officials, which are not constitutional officers (for example a City or Town mayor), are required to file their forms with the Clerk of the local governing body.
- The Clerks are required to send the filers the correct forms to complete (i.e.: either the SOIE form or Financial Disclosure form, not both) 20 days prior to the filing deadline.~~Since constitutional officers are considered as part of the “state officers and employees” category for the annual required filings, constitutional officers must file their required disclosure form directly with the Council. Auditors can retrieve copies of the constitutional officers’ electronic filing forms directly from the Council’s Conflict of Interest Searchable Database, by searching on the officer’s first and last name or searching generally on “constitutional officer” in the Agency/Board/Commission database field. For further information, auditors should refer to the Council’s website, under Public Information: <http://ethics.dls.virginia.gov/public-information.asp>~~
- The filer may have filed with a different locality or State Agency for another position—the auditor can review the COIA database (for state agency filings) or make inquiries as the auditor determines necessary. If a local official has already

filed with a different locality or state agency for the year, the filer has met the Council's requirement and is not required to file multiple forms.

- If a filer meets the requirements for filing both the SOEI form and the Financial Disclosure form, the filer is only required to file one form. Filing the SOEI form fulfills the Financial Disclosure requirement if the person holds more than one position that would require each.
- Departure filings are only required if the position is held through the filing deadline (there is no requirement to file if the person leaves on or before January 31).

For additional resources and guidance on Conflict of Interests, auditors can refer to the Council's website under Filing Resources: <http://ethics.dls.virginia.gov/filing-resources.asp>

#### **Required Audit Procedure:**

Obtain and review annual disclosure forms filed by applicable local officials, ~~and constitutional officers~~ of the locality (refer to guidance above). Determine completeness of those officials ~~and constitutional officers~~ that were required to file and that the accurate form was filed according to the type of filer. Where applicable, the auditor should review disclosure forms for new local officials hired during the year, as any newly hired officials, where applicable, are required to file disclosure forms **prior to** assuming office or taking employment.

#### **Employment Requirement**

In accordance with §2.2-3110B of the Code of Virginia, the employment at the same governmental agency of an officer or employee and a spouse or other relative residing in the same household, who is employed in a direct supervisory or administrative position, or both, and receives an annual salary of \$35,000 or more, creates a material financial interest.

Section 2.2-3101 defines a "governmental agency" as component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

**Required Audit Procedures:** Through inquiry and observation the auditor should determine whether any locality officer or employee has a spouse or other relative residing in the same household, who occupies a direct supervisory and/or administrative position at the same locality and receives an annual salary of \$35,000 or more. In such instances, the auditor should

verify that the local officials have disclosed this material financial interest and sought an advisory opinion/legal counsel on whether a conflict may exist in accordance with the Conflict of Interests Act.

**Required Audit Procedure:** When obtaining an understanding of the entity and their internal controls, the auditor should assess the risk of the locality entering into illegal contracts based on third party relationships with members of the governing body. The locality should have procedures in place to ensure disclosure and appropriate response to third party relationships in areas such as contract negotiations, grant recipient selections, and related party board appointees.

### **3-6     Debt Provisions**

The Virginia Public Finance Act in Chapter 26 (Section 2600 et. seq.) of Title 15.2 of the Code of Virginia contains state law for issuances of long term and short-term debt. The Act specifies the types of debt that may be issued as well as the public notice and other requirements for the issuance of the debt.

#### **Special Requirement - Debt Issuances**

All debt issuances must comply with the Virginia Public Finance Act in Chapter 26 (Section 15.2-2600 et. seq.) of Title 15.2 of the Code of Virginia).

**Required Audit Procedure:** Determine whether the local government issued debt during the year. Determine whether the local government complied with all relevant provisions of the Public Finance Act.

#### **Special Requirement - Legal Debt Margin**

No city, town, or county electing to be treated as a city under Section 15.2-2639 of the Code of Virginia, may issue bonds or other interest-bearing obligations, including existing indebtedness, which will at any time exceed ten percent of the assessed valuation on real estate as shown by the last preceding assessment for taxes. Short-term revenue anticipation bonds/notes, general obligation bonds approved in a referendum, revenue bonds, and contract obligations for publicly owned or regional projects should not be included in the debt limitation. (Sections 15.2-2634, 15.2-2635 and 15.2-2639 of the Code of Virginia).

**Required Audit Procedures:** Obtain or prepare the locality's Schedule of Legal Debt Margin (GASB 2800.103). Determine whether the local government has complied with Virginia's legal debt margin.

### 3-7

#### **Retirement System**

*Virginia Retirement System Contacts: Barry C. Faison, Chief Financial Officer, Phone 804.344.3128, email [bfaison@varetire.org](mailto:bfaison@varetire.org); or Kathryn A. Quiriconi, Deputy Chief Financial Officer, Phone 804-697-6677, email [kquiriconi@varetire.org](mailto:kquiriconi@varetire.org)*

*Auditor of Public Accounts (APA) Contact: Zachary Borgerding, Audit Director, [APAVRSSupport@apa.virginia.gov](mailto:APAVRSSupport@apa.virginia.gov). [Updated May 2020]*

Counties, cities, and certain towns must provide a retirement system for their officers and employees as specified by § 51.1-800 of the Code of Virginia. Local governments have the option of participating in the Virginia Retirement System (VRS) and/or establishing their own local plan(s). Most local governments participate in the Virginia Retirement System.

**Note:** As set forth in §51.1-800 of the Code of Virginia, only certain constitutional officers and their employees are eligible for benefits to include: Treasurers, Commissioners of the Revenue, Attorneys for the Commonwealth, Clerks of Circuit Court, and Sheriffs. For these elected officials who are covered under VRS, the employer should begin reporting them when their respective term of office begins. Likewise, the employer should stop reporting an official whose term of office ends, unless the individual otherwise resumes VRS-covered service in a different position with your employer. Other local elected officials, such as mayors, county supervisors, county board members and town council members, are not eligible for VRS benefits, including group life insurance.

The Virginia Retirement System administers a statewide retirement plan, group and optional life insurance programs, a retiree health insurance credit program, and a short-term and long-term disability program. Effective July 1, 2017, the Virginia Retirement System will make all eligibility determinations for the Line of Duty Act (LODA) benefits, issue payments on behalf of LODA Fund participating employers, and manage the investments of the LODA trust fund for participating employers. The Department of Human Resource Management (DHRM) will administer the LODA Health Benefit Plans. School boards, local governments, and other

political subdivisions are eligible to participate in these programs administered by the System. Membership and benefits are provided in accordance with Title 51.1 of the Code of Virginia. The VRS retirement plan was modified effective July 1, 2010. Members hired before July 1, 2010 who had service credits before July 1, 2010 were placed in Plan 1. Members hired on or after July 1, 2010 who had no service credits before July 1, 2010 were placed in Plan 2. The benefit provisions of Plan 1 and Plan 2 differ. On January 1, 2013, existing Plan 1 members who were not vested (had at least 5 years of accumulated service) also, became Plan 2 members. In addition, a new Hybrid plan was implemented effective January 1, 2014. All newly hired employees who are not covered by enhanced benefits as hazardous duty employees are placed in the Hybrid plan. Detailed information on these differences is included in VRS publications and in the Plan Description portion of the sample disclosures provided in Chapter 6 of the Uniform Financial Reporting Manual.

Members are required by statute to contribute 5 percent of their creditable compensation to the pension plan. Plan 1 and Plan 2 members contribute the 5 percent to their member account. With the implementation of the Hybrid plan beginning January 1, 2014 members of the Hybrid plan must contribute 4 percent of their creditable compensation to the defined benefit (DB) component of the Hybrid Plan and a mandatory 1 percent of their creditable compensation to the defined contribution (DC) component of the Hybrid plan. Members may elect to contribute up to an additional 4 percent to the DC component of the Hybrid Retirement Plan each month.

Group life insurance premiums are based on the member's creditable compensation, and optional life insurance premiums are based on the member's age (and the spouse's age if the spouse is covered) and amount of insurance carried. Retiree Health Insurance Credit contributions and Local disability plan contributions are based on a member's creditable compensation.

The Retirement System's *myVRS* Navigator is a web-based benefits management system that allows employers to immediately access and update member and agency related retirement data. The implementation of *myVRS* Navigator significantly changed the retirement contribution reporting process. Many of the responsibilities for managing member data shifted from the Retirement System to each employer. Additionally, the payment process for employers is electronic and most payments are made through ACH Debit and ACH Credit. The ACH payments replaced the lockbox and monthly payment coupon method. VRS still receives

checks from some employers. Check payments are being phased out as the employers transition to ACH.

#### Special Requirement - Participation in Retirement Systems

All counties, cities, and towns with a population of 5,000 or more must provide a retirement system for their officers and employees. Local governments have the option of participating in the Virginia Retirement System and/or establishing their own local plan(s). If the local government maintains its own plan, the local retirement plan must provide a service retirement allowance to each employee who retires at age 65 or older. The allowance must equal or exceed two-thirds of the service retirement allowance to which the employee would have been entitled had it been computed under the provisions of the Virginia Retirement System (§51.1-800 of the Code of Virginia).

**Required Audit Procedure – Retirement Plan(s):** Determine whether the local government participates in the Virginia Retirement System and/or a local retirement plan(s). Determine whether the plan(s) covers all classes of employees listed under §51.1-800 of the Code of Virginia. (Refer to the additional guidance included above about local elected officials not being eligible for VRS benefits.) If the local government participates in a local retirement plan, also determine whether the Virginia Retirement System approved the benefits provided under the local plan.

**NOTE:** Local governments are responsible for ensuring compliance with this section of the Code. VRS is not required to periodically verify local plan compliance.

**Required Audit Procedure – Other Post-Employment Benefits:** Determine whether the local government has employees **who do not participate in a Virginia Retirement System retirement plan, but do participate in the Group Life Insurance (GLI) other post-employment benefit program** administered by the Virginia Retirement System. Determine whether the local government has employees and volunteers who participate in the Line of Duty Act Program (LODA) with benefits being paid through the VRS-administered trust fund. (Refer to the additional guidance included above about local elected officials not being eligible for VRS benefits.)

**Note:** Localities may still provide benefits in compliance with the Line of Duty Act, but do not fund the benefits through the VRS-administered trust fund (i.e.: referred to as “non-participating” employers). If this is the case, the auditor should determine how the locality develops its liability for the Line of Duty Act and perform any audit procedures that may be



necessary in preparation of *GASB No. 75 – Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*, effective for fiscal year 2018. A listing of the LODA participating employers is available at the Virginia Line of Duty Act website, <http://valoda.org/pdfs/loda-fund-participating-employers.pdf>. **Any locality not included on this listing is considered a non-participating employer.** A listing of the LODA **Non-participating** employers is available at the Virginia Line of Duty Act website, <https://www.valoda.org/pdfs/loda-fund-nonparticipating-employers.pdf>.

**Note:** Localities may also participate in the Retiree Health Insurance Credit (HIC) other post-employment benefit program administered by the Virginia Retirement System. If the locality has employees who participate in a Virginia Retirement System retirement plan and/or Group Life Insurance (GLI), in addition to participating in HIC, the required audit procedures for member data reporting for retirement plan(s) and GLI provide audit coverage over the census data elements for HIC.

#### **Eligibility Requirement - Virginia Retirement System – Retirement Plan(s)**

Unless the employee satisfies one of the exemptions to mandatory membership, all permanent, full-time, salaried employees of participating school boards, local governments, and other political subdivisions must participate in the Virginia Retirement System. Part-time employees may not participate in the plan.

**Required Audit Procedure – Retirement Plan(s):** If the local government participates in the Virginia Retirement System retirement plan(s), select a sample of employees from pay periods throughout the year under audit. This includes the full population of all employees under employment, not just VRS participants. For sample size determination reference the AICPA sample design, size, and selection as defined in AU-C section 530 of the AICPA Professional Standards. For each employee selected determine whether the employee has been reported to the Virginia Retirement System for retirement, life insurance, retiree health insurance credit, and/or local disability coverage **or** satisfies the requirements for exclusion from mandatory membership.

#### **Member Data Reporting Requirements - Virginia Retirement System**

**Required Audit Procedure – Retirement Plan(s):** If the local government participates in the Virginia Retirement System, determine if the locality or school district under audit has multiple control environments supporting employee enrollment in the retirement system. If the

locality has multiple control environments perform the procedures below for each of the environments identified independently.

**Required Audit Procedure – Retirement Plan(s):** If the local government participates in the Virginia Retirement System, identify the population of employees with changes that occurred during the fiscal year under audit year and who contributed to the Virginia Retirement System. Changes include new employees, terminated employees, and employees who received salary changes during the fiscal year for each control environment. Select a sample of employees from the population for each control environment. Note that this population is limited to VRS participants. For sample size determination reference the AICPA sample design, size, and selection as defined in AU-C section 530 of the AICPA Professional Standards. In Appendix A of the accountant’s examination report (referenced at the end of this section) provide the sampling considerations and determinations. \*This is the First section of the Appendix.

For each employee selected determine whether:

- a) The employee contribution for pension and/or group life insurance was properly deducted from the employee's pay for member contributions paid by the employee; and that the employee's pay was not reduced for contributions where the employer is still paying part of the employee share (employee’s pay is reduced if employer picks up the employee contribution through a tax deferred salary reduction).
- b) Census data elements agree to supporting documentation based on the change (*the attributes are arranged and grouped by how they appear in myVRS Navigator*):

***Note:*** *The census data elements tested below are either included as critical elements on the pension and OPEB assertions letters, or help support validation of significant census data elements. While the Social Security Number does not appear as a census data element on the assertions letters for active members, the “VRS ID” does appear as a significant element. Accordingly, the audit procedures below require validation of other fields that provide unique identifying information for the member, such as SSN and Name, to assist in confirming an employee’s unique assignment of the VRS ID. Validating and ensuring accuracy of the SSN helps provide stronger audit assurance to verify the unique assignment of the VRS ID, in order for the APA’s VRS audit team to gain sufficient coverage over each member’s identifying information to support APA’s opinions over the census data. Further, the actuary’s assumptions and the retirement liability can be affected if an individual is recorded under the incorrect SSN.*

1. If the employee had a **salary change** ensure the employee's creditable compensation (used in computing the contributions required for all VRS-administered benefits) includes all eligible salary, exclusive of overtime, supplements, extraordinary pay, and termination pay for annual or sick leave, and is properly reflected in *myVRS Navigator*. Test the following attributes in *myVRS Navigator*:

Other Details: Salary History

- Current Annual Salary
- Start Date
- Previous Annual Salary
- End Date

2. If the employee is **terminated** test the following attributes:

Other Details: Employment

- Organization Name
- Job Name
- Employment Status
- Start Date
- End Date

Other Details: Person Account

- Org Name
- Org Code
- Coverage Start Date
- Coverage End Date
- Status

3. If the employee is a **new hire** test the following attributes:

Person Details

- Social Security Number (**see note below**)
- Name
- Date of Birth
- Gender

Other Details: Employment

- Organization Name
- Job Name

- Employment Status
- Start Date
- End Date

Other Details: Salary History

- Current Annual Salary
- Start Date

Other Details: Person Account

- Org Name
- Org Code
- Coverage Start Date
- Coverage End Date
- Status

**Note:** To view the Social Security Number in myVRS navigator (VNAV), the locality/employer staff member must have the “Advanced Person Processor Role.” There is no risk of inadvertent override or deletion of the SSN information in VNAV by viewing this information, as the SSN cannot be changed by employers once they have been entered in the initial enrollment process. If employers determine that an error was made when entering the original SSN, they must initiate the “Merge Person Account/SSN Correction” process in VNAV to request VRS to change the SSN.

- (c) If any of the employees selected purchased service to enhance their retirement benefit during the year under audit, ensure the employee met the eligibility requirements and the employer maintained sufficient supporting documentation that proves the eligibility requirements were verified. The purchase is called a Purchase of Prior Period service in the member’s myVRS Navigator record or the employer’s contribution confirmation snapshot.

**Required Audit Procedure – Other Post-Employment Benefits, Group Life Insurance**

If the local government has employees **who do not participate in a Virginia Retirement System retirement plan, but do participate in the Group Life Insurance (GLI)** other post-employment benefit program provided by the Virginia Retirement System, identify the population of employees for the fiscal year under audit. Note that the population is limited to

employees who do not participate in a VRS-administered pension plan, but who do participate in the VRS-administered other post-employment benefit, Group Life Insurance. For sample size determination reference the AICPA sample design, size, and selection as defined in AU-C section 530 of the AICPA Professional Standards.

For each employee selected, agree the census data elements from *myVRS Navigator* to supporting documentation (*the attributes below are the minimum considerations*)

### **Group Life Insurance**

#### **Person Details:**

- First name
- Last name
- Social Security Number
- Date of Birth
- Gender

#### **Other Details: Salary History**

- Current annual salary (as of fiscal year end)

#### **Other Details: Employment**

- Current employer (as of fiscal year end)

#### **Other Details: Person Account**

- Status with current employer
- Retirement plan code

#### **Other Details: Person Account**

- Life insurance coverage start date (earliest)
- Life insurance end date (most recent)

### **Required Audit Procedure – Other Post-Employment Benefits, Line of Duty Act**

**NOTE:** The auditor may apply risk assessment procedures and materiality to determine whether there is a need to perform the Line of Duty Act (LODA) census data testwork for “participating employers” that are **Towns only**. However, LODA census data testing is required to be performed each year for the City and County “participating employers.”

If the local government has employees and volunteers who **participate in the Line of Duty Act Program with benefits being paid through the VRS-administered trust fund**, identify the population of active employees and volunteers—this population is defined as those who are

eligible for Line of Duty Act coverage, but not currently receiving benefits as of the end of the fiscal year under audit. Select a sample of active employees and volunteers from this population. See the related note below for information on how to determine the population. For sample size determination reference the AICPA sample design, size, and selection as defined in AU-C section 530 of the AICPA Professional Standards. In Appendix A of the accountant's examination report (referenced at the end of this section) provide the sampling considerations and determinations. \*This is the First section of the Appendix.

**NOTE:** The local government should be providing this information to VRS annually if benefits are being paid through the VRS-administered trust fund. For the Line of Duty Act program, the local government should be updating and providing a roster list for participating active employees and volunteers (those defined above at the required audit procedure) to VRS annually. The auditor should ensure the completeness of the roster list, particularly as it relates to the local government volunteers, in addition to active employees, who participate in the program.

For each employee and/or volunteer selected, agree the census data elements from the roster list to supporting documentation (*the attributes below are the minimum considerations*)

#### **Line of Duty Act**

- Name (First, Last)
- Gender
- Date of Birth
- Agency
- Personnel Type

#### **Employer Monthly Reporting Requirements - Virginia Retirement System**

In myVRS Navigator, employers are responsible for adding newly enrolled members, maintaining employee records, as well as entering and tracking employment changes (such as salary changes, status changes, and terminations) throughout the month. Employers produce a monthly snapshot of their contributions and are responsible for reviewing the snapshot and verifying that all the employment changes are complete and accurate. Following the snapshot, the employer runs the Contribution Confirmation report, which certifies and records the monthly data. Employers may immediately schedule payment after the contributions are confirmed. The Contribution Confirmation process must occur by the 10<sup>th</sup> of the month following month to be certified. VRS requires the employers to schedule the payment

immediately after confirming the contributions. The payment must be received by VRS by the 10th of the month; therefore, when the employer schedules the payment it should be for at least three days prior to the 10th of the month to ensure it is received by VRS.

**Procedure Eligible for Alternating Testing Schedule, Part A- Required Audit Procedure – Retirement Plan(s):**

NOTE: Prior to performing these procedures, refer to the *APA Sample Alternating Testing Schedule-Retirement System Audit SPECS procedures workbook*. Use of the *APA Sample Alternating Testing Schedule-Retirement System Audit SPECS procedures workbook* for auditor's documentation purposes is optional. **However, the auditor must review the APA's requirements established in the guidance at this workbook and apply accordingly for testwork at this section.**

If the local government participates in the Virginia Retirement System, select a sample of the newly enrolled employees during the audit period from each of the control environments identified. Note that this population is limited to VRS participants. For sample size determination reference the AICPA sample design, size, and selection as defined in AU-C section 530 of the AICPA Professional Standards. In Appendix A of the accountant's examination report (referenced at the end of this section) provide the sampling considerations and determinations. \*\*This is the Second section of the Appendix.

Determine whether all eligible employees are included on the employer's coverage reports to VRS. Ensure that employers are not modifying work schedules and coverage definitions to provide a means for employees who are currently retired under the VRS plan to work in covered positions without being reported as covered employees. Verify any employees who retired, and were rehired as full-time are active in myVRS Navigator.

**NOTE** – Unreported employees who have returned to work and are still drawing their retirement benefits is a compliance issue (Code of Virginia, §51.1-155(B)(1)).

**Procedure Eligible for Alternating Testing Schedule, Part B- Required Audit Procedure – Retirement Plan(s) and Other Post-Employment Benefit Program(s):**

NOTE: Prior to performing these procedures, refer to the *APA Sample Alternating Testing Schedule-Retirement System Audit SPECS procedures workbook*. Use of the *APA Sample Alternating Testing Schedule-Retirement System Audit SPECS procedures workbook* for auditor's documentation purposes is optional. **However, the auditor must review the APA's**

requirements established in the guidance at this workbook and apply accordingly for testwork at this section.

If the local government participates in the Virginia Retirement System, the employer should reconcile the information in the entity's payroll system to the data in the monthly contribution confirmation in myVRS Navigator each month. The contribution confirmation snapshot file reflects amounts due for the retirement, group life, retiree health insurance credit, and local disability plans. It also distinguishes between those amounts that are due to VRS for the Defined Benefit component of the Hybrid plan, as well as those amounts due to ICMA-RC for the Defined Contribution component of the Hybrid plan. Select a sample of the monthly contribution reconciliations from each of the control environments identified. For sample size determination reference the AICPA sample design, size, and selection as defined in AU-C section 530 of the AICPA Professional Standards. In Appendix A of the accountant's examination report (referenced at the end of this section) provide the sampling considerations and determinations. \*\*\*This is the Third section of the Appendix.

Reconciling Payroll and *myVRS Navigator*:

- 1) Test the reconciliations for accuracy and ensure the employer clears reconciling items prior to confirming the contributions.
- 2) Determine if the employer updates *myVRS Navigator* through a batch process, or through online keying.
  - i. If the employer updates *myVRS Navigator* through a batch process each month, the employer submits two separate files: one file for new enrollments and one file for maintenance. For the months selected verify the employer ensures the records in each file are free of errors and certifies the transactions are accurate before submitting the files.
  - ii. If the employer updates *myVRS Navigator* through online keying, ensure all changes that occurred during the months selected for testing were accurately captured on the monthly snapshot. Ensure this process occurs at least monthly and prior to confirming the monthly contributions.
- 3) Ensure that for the sample of monthly reconciliations selected that the employer confirmed the contributions between the 1<sup>st</sup> and the 10<sup>th</sup> of the following month.
- 4) Ensure the employer scheduled the payment immediately after confirming the snapshot.



- 5) For the defined contributions, verify the locality is scheduling and submitting payments to ICMA-RC each time contributions are withheld from employees' pay.

**NOTE:** The VRS Employer manual (Contribution Confirmation and Payment Scheduling chapter, "Payments to ICMA-RC" section) notes the following: *Defined contributions are submitted to ICMA-RC each time contributions are withheld through payroll, but do not wait until the snapshot is approved. If defined contributions are delayed, the employee's investment earnings may be impacted and the employer may be assessed penalties in accordance with the Hybrid Retirement Plan Adjustment Policy.*

### **Roles and Responsibilities - Virginia Retirement System**

Employers are responsible for assigning and managing access to myVRS Navigator for employees through role-based security. Roles define the data an employee is authorized to view, create, and update.

### **Procedure Eligible for Alternating Testing Schedule, Part C- Required Audit Procedure – Retirement Plan(s) and Other Post-Employment Benefit Program(s):**

NOTE: Prior to performing these procedures, refer to the *APA Sample Alternating Testing Schedule-Retirement System Audit SPECS procedures workbook*. Use of the *APA Sample Alternating Testing Schedule-Retirement System Audit SPECS procedures workbook* for auditor's documentation purposes is optional. **However, the auditor must review the APA's requirements established in the guidance at this workbook and apply accordingly for testwork at this section.**

If the local government participates in the Virginia Retirement System obtain a list of employees with myVRS Navigator access during the fiscal year under review. Ensure employees with active access are currently employed.

Determine which employees had changes to access during the fiscal year under review including terminated access, new access, or changes to access. For those with new access or changes to access review the assigned roles for each employee for reasonableness in relation to their current job responsibilities. Verify roles were removed in a timely manner for terminated or inactive employees.

Note: Depending on the population size of employees with myVRS Navigator access, the auditor may choose to select a sample of employees with access, as appropriate. For sample size determination reference the AICPA sample design, size, and selection as defined in AU-C

section 530 of the AICPA Professional Standards. In Appendix A of the accountant's examination report (referenced at the end of this section) provide the sampling considerations and determinations. \*\*\*\*This is the Fourth section of the Appendix.

***Important financial reporting consideration regarding disclosing covered payroll in the required supplemental information.***

Under GASB Statement No. 68 *Accounting and Financial Reporting for Pensions*, defines the term covered-employee as the payroll of employees that are provided with pensions through the pension plan. This definition differs from that of covered payroll per GASB Statement No. 27, *Accounting for Pensions by State and Local Governmental Employers*. For guidance reference the Guide to Implementation of GASB Statement 68 on Accounting and Financial Reporting for Pensions, questions 106 and 210. GASB Statement No. 82, ***Pension Issues—an amendment of GASB Statements No. 67, No. 68, and No. 73***, eliminates the use of covered-employee payroll and replaces it with covered payroll. Covered payroll is the payroll on which contributions to a pension plan are based. The VRS sample disclosures are updated to reflect the changes resulting from GASB Statement No. 82.

## **Examination Engagement Reporting**

### **Required Audit Procedure— Retirement Plan(s):**

The auditor is required to submit a report to the Auditor of Public Accounts (APA), by October 1 each year, reporting on the results of procedures performed above regarding the completeness and accuracy of the census data for local employees and teachers participating in the Virginia Retirement System retirement plan(s). The procedures should be performed and the report should be prepared as a part of an examination engagement performed in accordance with AT-C Section 205, *Examination Engagements* (AICPA, *Professional Standards*).

Included with the report, the auditor shall provide an attachment which identifies the following:

- The number of control environments supporting census data reviewed during the engagement (i.e. two, one for the locality and one for the school board) and the responsible party for the control environment (i.e. the locality, the school board)

For each control environment identified and required procedure performed note the following:

- The population size

- The sample size
- The risks and other considerations used to determine the sample size

A sample report and accompanying attachment is available on the APA website at [http://www.apa.virginia.gov/data/download/local\\_government/guidelines/rss.docx](http://www.apa.virginia.gov/data/download/local_government/guidelines/rss.docx)

**Required Audit Procedure– Other Post-Employment Benefit Program(s):**

The auditor is required to submit a report to the Auditor of Public Accounts, by October 1 each year, reporting on the results of procedures performed above regarding the completeness and accuracy of the census data for the local government employees and volunteers who participate **in the Line of Duty Act Program with benefits being paid through the VRS-administered trust fund**. The procedures should be performed and the report should be prepared as a part of an examination engagement performed in accordance with AT-C Section 205, *Examination Engagements* (AICPA, *Professional Standards*).

Included with the report, the auditor shall provide an attachment that identifies the following:

- The number of control environments supporting census data reviewed during the engagement (i.e. two, one for the locality and one for the school board) and the responsible party for the control environment (i.e. the locality, the school board)

For each control environment identified and required procedure performed note the following:

- The population size
- The sample size
- The risks and other considerations used to determine the sample size

A sample report and accompanying attachment is available on the APA website at [http://www.apa.virginia.gov/data/download/local\\_government/guidelines/rss.docx](http://www.apa.virginia.gov/data/download/local_government/guidelines/rss.docx)

**NOTE:** The auditor may choose to combine the attestation reporting for the results of both the VRS retirement pension plan(s) and the Line of Duty OPEB plan into 1 report. If this is approach is used, the auditor should delineate any findings, if applicable, between the pension retirement and LODA OPEB plans and also delineate the Appendix A information to clearly show the required audit procedures, population, sample size, and risk considerations for the

VRS retirement pension and the LODA OPEB (for example, this could be shown by adding separate rows or tables for the Appendix information).

**NOTE:** The auditor is not required to submit a report on the results of procedures performed above for the Group Life Insurance (GLI) other post-employment benefit program. **However, the auditor should notify the Auditor of Public Accounts, in writing, if the auditor finds any internal control or compliance issues related to testing the census data for the GLI other post-employment benefit program.** The Auditor of Public Accounts prefers this method of communication be made through e-mail to the [LocalGovernment@apa.virginia.gov](mailto:LocalGovernment@apa.virginia.gov) and [APAVRSSupport@apa.virginia.gov](mailto:APAVRSSupport@apa.virginia.gov) email addresses.

### **Pension and Other Post Employment Benefit Resources**

Various resources are available to assist employers and the employer auditors at [www.apa.virginia.gov](http://www.apa.virginia.gov), under “Local Government,” [Pension and OPEB Standards](#), including the AICPA White Paper Series for pensions, relevant AU-C interpretations, GASB implementation guides, and other useful resources.

In addition, the VRS has a “Financial Reporting” section available for Employers at <https://employers.varetire.org/financial-reporting/>. This includes resources to assist the local government employers with financial reporting related to the VRS administered benefit plans, such as the GASB statement information and actuarial valuation reports to include in the annual financial statements. The myVRS Navigator System has a GASB Validation report available, which will assist in making the audit process more efficient. The myVRS Navigator reports will produce data for census data elements that have had changes during the most recent eighteen months. These reports are available upon request and run overnight. The reports are capable of retrieving data for one month, a period of months, or up to twelve months.

**NOTE:** To determine the population of employees **who do not participate in a VRS pension plan, but who do participate in the VRS-administered other post-employment benefit, Group Life Insurance**, the auditor can request the employer to access the contribution confirmation snapshot in myVRS Navigator System from the last month in the fiscal year. This contribution confirmation snapshot will include the population of employees.

Employer Manuals are available for the auditor’s reference at [www.varetire.org](http://www.varetire.org) (refer to the Employers section, [Publications, VRS Employer manual](#)). Consult with the employer for

additional resources from the “VRS University” that may be useful in performing the prescribed audit procedures.

### **3-8 Procurement**

The Virginia Public Procurement Act, located in Chapter 43 (§2.2-4300 et. seq.) of Title 2.2 of the Code of Virginia, contains state law on the procurement of goods and services. The Act, which was designed to maximize competition, applies to all local governments, constitutional officers, and school divisions. In accordance with Section 2.2-4343 of the Code of Virginia, local governments and school divisions may be exempt from certain provisions of the Act if they adopt, by ordinance or resolution, alternative policies and procedures that are based on competitive principles. Certain provisions of the Act are applicable regardless of alternate procedures adopted.

Before commencing audit work, the auditor should be familiar with the requirements of the Act. The auditor also should determine whether the local government is following the practices required by the Act or has adopted alternative procurement policies.

#### Special Requirement - Purchases

All purchases must be in accordance with the Virginia Public Procurement Act (Chapter 43 (Section 2.2-4300 et. seq.) of Title 2.2 of the Code of Virginia).

#### Special Requirement- Public Private Education Facilities and Infrastructure Act (PPEA)

Any locality or local School system that participates in a PPEA agreement must follow the requirements set forth in the Public Private Education Facilities and Infrastructure Act of 2002, Chapter 22.1 of Title 56 of the Code of Virginia (§56-575.1-575.18). As part of this Act, localities and local School systems are required to send electronic files for any PPEA agreements and supporting documents to the Auditor of Public Accounts (§56-575.18). The Auditor of Public Accounts houses these agreements on the Commonwealth Data Point website, located at <http://legacydatapoint.apa.virginia.gov/ppea.cfm>

#### Decentralized Procurement

Auditors should be aware of the purchase of goods and services made by departments and personnel other than the locality’s central administrative office. In particular purchases made with federal funds not meeting the Public Procurement Act requirements may result in questioned cost for the local government.

**Required Audit Procedure:** Non-compliance with the Virginia Public Procurement Act, and the Public Private Education Facilities and Infrastructure Act of 2002 if applicable, could result in a direct and material effect on the financial statement amounts. Auditors should consider the risk of material misstatements resulting from direct and material noncompliance with the Public Procurement Act provisions when conducting the audit. The auditor may consider risk assessment and materiality when designing appropriate audit procedures to test noncompliance with this area.

### 3-9 **Unclaimed Property** *[Updated June 2020]*

The ~~Virginia Disposition of Unclaimed Property Act~~ ~~Uniform Disposition of Unclaimed Property Act~~ in ~~Chapter 11.125 (§55.1-210.12500 et. seq.)~~ of Title 55.1, Subtitle V. of the Code of Virginia sets forth procedures for unclaimed or abandoned property. As a general rule, the Act presumes abandoned any property remaining unclaimed by its owner for more than the specified period, usually five years. However, for any government, all intangible property held for the owner that remains unclaimed for more than a year is presumed abandoned (§~~55.1-251755-210.9~~). Unclaimed property may consist of outstanding checks, utility deposits, tax refunds, unpaid wages, unpaid pension benefits, unclaimed insurance demutualization proceeds (§~~55.1-250955-210.4:2~~) and other tangible or intangible property.

The Act requires local governments to file an annual report with the State Treasurer listing all unclaimed property. The local government must then remit the property to the State Treasurer for final disposition. The Act requires local governments to exercise due diligence, at least 60 days prior to the submission of the report, to determine the whereabouts of the owner if (1) the local government has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate and (2) the property has a value of \$100 or more (§~~55.1-252455-210.12E~~).

**Note:** The local government school division should also be submitting the required reporting and applicable property to the State Treasurer in accordance with the Unclaimed Property Act.

#### **Reporting Requirement - Unclaimed Property**

Every person holding funds or other property presumed abandoned under the Act must file a report listing unclaimed property as of June 30. The report must be filed with the state Treasurer by November 1 of each year (§~~55.1-2524 55-210.12~~ of the Code of Virginia).

**Required Audit Procedure:** Auditor must scan bank reconciliations for checks outstanding greater than one year. Auditor should also make inquiries of responsible officials as to unclaimed property and determine whether the local government has exercised due diligence as described under §~~55.1-2524, part E. 55-210.12 (E)~~ of the Code of Virginia. If the local government (to include the school division) has unclaimed property, determine whether it filed a report on unclaimed property with the State Treasurer as required.

#### **PROGRAM SPECIFIC REQUIREMENTS:**

##### **3-10 Economic Development Opportunity Fund**

*Contact: Virginia Economic Development Partnership, Kim Ellett, Phone - 804.545.5618, email [kelleltt@vedp.org](mailto:kelleltt@vedp.org) – [Updated May 2020]*

Local governments may receive grants or loans from the Commonwealth's Development Opportunity Fund in accordance with Code of Virginia §2.2-115 and the annual provisions of the state Appropriation Act. The fund was established to assist in the creation of new jobs and capital investment in accordance with criteria established by legislation.

Economic development opportunity funds are used to support projects that create new jobs and private investment within the locality. Projects that may qualify for funding will be those basic employers that derive more than 50% of company revenue from outside Virginia, thereby adding to the gross domestic product of the Commonwealth. Permissible uses of Commonwealth's Development Opportunity Fund grants include (but are not limited to) utility improvements, high-speed or broadband Internet access, site preparation costs, creation of access roads or rail, training, and capital improvements to buildings. To receive funding, the following general eligibility thresholds must be met:

- 50 new jobs/\$5 million capital investment; or
- 25 new jobs/\$100 million capital investment
- The average annual wage for the new jobs must be at least equal to the prevailing average annual wage in the locality, excluding fringe benefits
- If the average annual wage is twice the prevailing average annual wage, the Governor may reduce the new jobs thresholds to as low as 25

Eligibility thresholds in localities with above-average unemployment or above-average poverty rates:

- 25 new jobs/\$2.5 million capital investment
- Jobs may pay below the prevailing average annual wage in the locality, but must pay at least 85% of the prevailing average annual wage.

- If the average annual wage of the new jobs is less than 85% of the prevailing average annual wage, but the customary employee benefits are offered, the Governor may still award a grant or loan, but the Secretary of Commerce and Trade must furnish a written explanation to the Chairmen of the Senate Finance and House Appropriations Committees setting forth the urgent need to provide a grant or loan to that project.

Eligibility thresholds in localities with above-average unemployment and above-average poverty rates:

- 15 new jobs/\$1.5 million capital investment
- Jobs may pay below the prevailing average annual wage in the locality, but must pay at least 85% of the prevailing average annual wage
- If the average annual wage of the new jobs is less than 85% of the prevailing average annual wage, but the customary employee benefits are offered, the Governor may still award a grant or loan, but the Secretary of Commerce and Trade must furnish a written explanation to the Chairmen of the Senate Finance and House Appropriations Committees setting forth the urgent need to provide a grant or loan to that project.

The Virginia Economic Development Partnership (Partnership) administers the economic development opportunity program. Local governments that wish to participate in the program send grant requests (opportunity fund applications) to the President and CEO of the Partnership. The Partnership evaluates applications in accordance with the published evaluation procedures.

The [Commonwealth's Development Opportunity Fund Incentives Administration](#) Policy and Procedural Guidelines set forth the project approval procedures, program requirements, and payment procedures. Approval is required by the Partnership, the Secretary of Commerce and Trade, the Chief of Staff, and the Governor of Virginia before the grant or loan is awarded. The Opportunity Fund application outlines the nature of the project. [The approval letter, issued by the Secretary of Commerce and Trade, specifies the amount approved for funding.](#) The performance agreement, executed by the local government, the Partnership, and the company, describes the local government's matching share and the repayment terms, if the company fails to meet the specified job creation and capital investment standards. Copies of these documents may be obtained from the local government or from the Partnership.



Localities must at least match dollar-for-dollar with local funds the amount requested from the Commonwealth's Development Opportunity Fund. Previously invested local funds, grants of moneys from other government sources (with the exception of Tobacco Region Opportunity Fund moneys as noted below), and contributions from private interests which benefit from the project's location may not be counted as part of the local match. A local match may be funded by an in-kind contribution from the locality for the direct benefit of the grantee, such as infrastructure development, fee waivers, or free or reduced-price land or buildings. Local enterprise zone incentives may be counted toward the local match where the locality makes actual expenditures after the project is announced to benefit the project. Loans to the locality from the Tobacco Region Opportunity Fund may be used to fulfill the matching funds.

For additional information refer to VEDP's website for the Commonwealth's Development Opportunity Fund, located at:

<https://www.vedp.org/incentive/commonwealths-development-opportunity-fund-cof>

#### Allowability Requirement - Program Costs

The grant or loan proceeds may be expended only for the purpose outlined in the Opportunity Fund Application and the [Commonwealth's Development Opportunity Fund Incentives Administration Policy and Procedural](#) Guidelines.

**Required Audit Procedure:** Select a sample of program expenditures. For each transaction selected, determine whether the expenditure was reasonable and consistent with the project specified in the Opportunity Fund Application and the [Commonwealth's Development Opportunity Fund Incentives Administration Policy and Procedural](#) Guidelines.

#### Matching Requirement - Local Participation

Local governments must meet the matching requirements set forth in the [Commonwealth's Development Opportunity Fund Incentives Administration Policy and Procedural](#) Guidelines and the Opportunity Fund application.

**Required Audit Procedure:** Determine whether the local government has met its requirement for local participation as set forth in the [Commonwealth's Development Opportunity Fund Incentives Administration Policy and Procedural](#) Guidelines and the Opportunity Fund application.

Special Requirement - Loan Repayment

Local governments must repay economic development opportunity fund loans in accordance with the terms of the performance agreement governing the Commonwealth's Development Opportunity Fund grant.

**Required Audit Procedure:** Determine whether loan repayments are being made in accordance with the terms of the [Approval Procedures performance agreement governing the Commonwealth's Development Opportunity Fund loan](#).

Special Requirement - Return of Funds

Any unspent funds at the completion of the project will be returned to the Commonwealth in accordance with the performance agreement governing the Commonwealth's Development Opportunity Fund loan.

**Required Audit Procedure:** Determine whether unspent funds were returned to the Commonwealth at the project's completion.

**3-11 Education**

*Contact: Department of Education; Christina Berta; Assistant Superintendent for Budget and Finance phone 804-371-4917, email [Christina.Berta@doe.virginia.gov](mailto:Christina.Berta@doe.virginia.gov) [Updated May 2020]*

The state Department of Education makes payments to local school divisions in accordance with Title 22.1 of the Code of Virginia and the Appropriation Act. Most counties and cities have their own school division. The General Assembly has also authorized certain towns to operate their own school systems.

The State Board of Education and the General Assembly prescribe the Standards of Quality (SOQ) for public schools. The SOQ designate the minimum, foundation education program that school divisions must offer and a minimum amount that must be spent from state and local funds based on the number of students in average daily membership ("ADM"). Each local government must appropriate and spend local funds that meet its required local effort for the SOQ each year. All state funds received for the SOQ must be spent by the end of each fiscal year, unless carry-over is specifically authorized by the appropriation act.

Appropriations for public schools are subject to several restrictions. Section 22.1-94 of the Code of Virginia requires local governing bodies to appropriate an amount sufficient to meet

the Standards of Quality described above. The Appropriation Act requires school divisions to spend the required local share of the Standards of Quality each year. The governing body may appropriate funds to the school board in total or by the major classifications contained in §22.1-115: (1) instruction; (2) administration, attendance and health; (3) pupil transportation; (4) operation and maintenance; (5) school food services and other non-instructional operations; (6) facilities; (7) debt and fund transfers; (8) technology; and (9) contingency reserve. If funds are appropriated by major classification, the school board may switch funds within each major category but may not shift funds from one category to another without approval from the governing body. Appropriations to the school board may be made annually, semi-annually, quarterly, or monthly. Once appropriated, the governing body may not reduce funds available to the school board below the amount required to meet the division's required local effort. Further, all funds must be appropriated to be spent.

Section 22.1-81 of the Code of Virginia requires local school boards to report revenues, expenditures, positions, and other information annually to the State Board of Education using the Annual School Report. The State Board uses this report to monitor compliance with required Standards of Quality expenditures and other federal and state regulations and reports.

#### Special Requirement - Appropriations

The school estimates, as modified by the local governing body, must be incorporated into the locality's budget and must be appropriated to be spent (§15.2-2506 of the Code of Virginia). If funds are appropriated to the school board by major classification, the school board may not shift funds from one major category to another without approval from the governing body (§22.1-89 of the Code of Virginia).

**Required Audit Procedure:** Compare adjusted appropriations and expenditures in each fund and major category and determine whether disbursements were made in excess of appropriations.

Note: When reviewing whether expenditures were made in excess of appropriations, the auditor may choose to apply judgment to review those funds considered significant and material to the financial statements.

#### Reporting Requirement - Annual School Report

Each school board must submit an annual financial report (called the Annual School Report) to the State Board of Education no later than September 15 of each year on forms provided by

the Superintendent of Public Instruction (§22.1-81 of the Code of Virginia). An extension of time, not to exceed fifteen days, may be granted for good cause by the Superintendent of Public Instruction for the preceding due date.

**Required Audit Procedure:** Obtain the Annual School Report for the year under audit. Also, obtain (or prepare, if so specified in the audit contract) a reconciliation of receipts and expenditures per the Annual School Report to the school board's accounting records. Review reconciliation for accuracy and reasonableness. The Annual School Report format for FY20 will continue to include a tab delineated expenditure file and smaller Excel file for all other data.

### **3-12 Children's Services Act Funds**

*Contact: Office of Children's Services (OCS); CSA Website – <http://www.csa.virginia.gov>; Stephanie Bacote – Phone 804.662.7441 (<mailto:Stephanie.Bacote@csa.virginia.gov>) or Annette Larkin – Phone 804.662.9816 ([Annette.Larkin@csa.virginia.gov](mailto:Annette.Larkin@csa.virginia.gov)). [Updated May 2020]*

Code of Virginia [§2.2-5204](#) of the Children's Services Act requires an annual audit of CSA funds by all counties and cities that receive funding pursuant to the Children's Services Act, Chapter 52 of Title 2.2 ([§2.2-5200](#)). Accordingly, the auditor must perform the procedures contained in this section regardless of materiality.

The Children's Services Act is designed to create a collaborative system of services and funding for at-risk youths and their families. At-risk youth include children with severe emotional and/or behavioral problems, including but not limited to students with disabilities in private special education facilities and youth in foster care. These at-risk youth often require services from more than one local agency. The Children's Services Act requires the local Community Services Board (CSB); local Department of Social Services; local school division; and local Court Service Unit (CSU) to work together in providing services for such youth.

Policies and procedures for implementing the Act are set forth in the Policy Manual for the Children's Services Act (revised January 2019; Link: <https://www.csa.virginia.gov/Resources/PolicyGuides>). The CSA is funded as a separate agency (Agency 200) with state and federal funds. Local governments receive two types of funds under the Children's Services Act: (1) pool funds and (2) local administrative funds. Each of these funding sources is discussed briefly below.

State Pool Funds (Section 4 of the Children's Services Act Policy Manual): Pool funding is directly appropriated to Agency 200 to provide services to eligible children. Allocation of funds in the state pool to local communities is determined by a formula based on language in the Appropriation Act. Pool funds can be used to provide services to children and their families who are eligible for services as defined in [§2.2-5212](#) of the Code of Virginia.

Pool funds are state funded with a local matching share. Variable local match rates apply to certain services/expenditure categories as specified in the Appropriation Act:

- Base Match Rate – per formula established by the Appropriation Act
- Community Based Services Rate – 50 percent of the base match rate.
- Residential Services Rate – 25 percent above the base match rate.

The funds are reimbursement based (i.e., the locality must expend funds and then will be reimbursed for the state-share of the expense by the Department of Education who serves as state Fiscal Agent). Reimbursements are requested using the electronic Pool Reimbursement Request (accessed using the CSA web <http://www.csa.virginia.gov/>) as often as monthly, but not less often than quarterly.

Administrative Funds (Section 4.5.3 of the Children's Services Act Policy Manual): Administrative funds are available to offset the added cost localities incur in implementing the Children's Services Act. Use of these funds is flexible, and may be used for administrative and coordinating expenses, or even direct services to eligible youth and families.

Federal Expenditure Reporting Requirements: CSA pool funds are comprised of Federal, State, and local monies collectively. In collaboration with the Department of Education, the Office of Children's Services sends a statement to each locality of their respective federal reimbursement for inclusion in their Schedule of Expenditures of Federal Awards (SEFA) under CFDA 93.667.

Special Requirement - Separate Accounting:

State and local revenues and expenditures applicable to the Children's Services Act must be identified separately from other funds within the local government's accounting system ([Section 4.5.3 of the Children's Services Act Policy Manual](#)).

**Required Audit Procedure:** Determine whether the method used by the local government to account for Children's Services Act funds is adequate to separately account for such funds.

Allowance or Permitted Requirement - Pool Funds

Pool funds must be expended for public or private non-residential or residential services for troubled youth and families. (Code of Virginia [§2.2-5211](#)) Pool funds may only be used for services for specific eligible children and their families. Administrative costs, interagency coordinators, and services billable to other funding sources are not allowable.

**Required Audit Procedure:** Select a sample of Pool Fund disbursement transactions from throughout the year under audit. For each transaction selected, determine whether the:

- a. Payment was supported by a written contract or service agreement.
- b. Services were provided to a specific eligible youth or family (a single voucher may cover services for more than one youth; however, the contract or purchase order must specify a child-specific unit price).
- c. Maintenance and support expenses to foster youth did not exceed the amount determined by the local social services board and is consistent with the written contract or service agreement.
- d. Payment was made as authorized by CPMT policies and procedures. Ensure that local CPMT policies and procedures are consistent with the Code of Virginia statutes and the CSA Policy Manual.
- e. The authorized service was not eligible for another funding source, for example Medicaid funding prior to using CSA funding to pay for the services, and
- f. Expenditure appears reasonable given the purpose of the Children's Services Act and the purpose of pool funds.

NOTE: The Office of Children's Services (OCS) has developed a "Can CSA Pay" tool to assist CPMT's with determining the appropriate use of pool funds. Refer to Section 7 of the CSA User Guide, located at

[https://www.csa.virginia.gov/content/doc/CSA\\_User\\_Guide\\_2018\\_Update.pdf](https://www.csa.virginia.gov/content/doc/CSA_User_Guide_2018_Update.pdf)

Eligibility Requirement - Pool Funds

Pool funds may only be used to provide services to children/youth and their families who are eligible for services as set forth in the Code of Virginia [§ 2.2-5212](#). Eligibility for CSA funding is defined by Code and governed locally by the Community Policy and Management Team (CPMT) policies and procedures. Further information on the eligible CSA population can be found in Section 4.1 (Eligible Populations) of the CSA Policy Manual.

Pursuant to SEC policy, the special education mandate cited in [§ 2.2-5211](#), B1 may be utilized to fund non-residential services in the home and community for a student with a disability when the needs associated with his/her disability extend beyond the school setting and threaten the student's ability to be maintained in the home, community, or school setting (i.e. Wrap Around Services). The state share appropriation to be allocated to localities providing Wrap-Around Services for Students with Disabilities is allocated at an amount not to exceed \$2.2M for the fiscal year as stipulated in the state's Appropriation Act ([Chapter 854, Item 282 L](#)). Only localities with approved allocations by the state office will have expenditures in this reporting category. Those localities, along with the amount of their allocations, can be identified by viewing their respective CSA Transaction History Reports, which can be accessed through the CSA website via the following link: [Pool Transactions](#).

All youth and families eligible for the CSA-funded treatment services are required to be assessed by the Family Assessment and Planning Team (FAPT) or an approved collaborative, multidisciplinary team process and shall consider the criteria set out in subdivisions A 1 and A2 of [§ 2.2-5212](#). Except for cases involving only the payment of foster care maintenance that shall be at the discretion of the local community policy and management team, cases for which service plans are developed outside of this family assessment and planning team process or approved collaborative, multidisciplinary team process shall not be eligible for State pool funds. Code of Virginia § 2.2-5209; (Section 3.2.2 of the CSA Policy Manual). IEP services (private school placements) may be exempt from the FAPT process, unless required by local policy.

Section [2.2-5206](#) of the Code of Virginia requires the local Community Policy and Management Team (CPMT) to develop procedures to access CSA Funds for eligible populations.

**Required Audit Procedure:** Review the local government's system for determining eligibility and evaluate for adequacy. Select a sample of program participants from the vouchers supporting the Pool Reimbursement Requests tested below (or from other sources as deemed appropriate by the auditor). For each participant selected, determine whether the individual is classified on the Reimbursement Request as part of the mandated or non-mandated population pursuant to 2.2-5212. Examine documentation in the youth's case file and determine whether:

- a. the youth meets the state eligibility criteria (§ 2.2-5212),

- b. the youth meets the state criteria for inclusion in the mandated population (§ 2.2-5211), if the individual was included in the mandated population on the Reimbursement Report,
- c. service plans were developed and approved by the family assessment and planning team process or approved collaborative, multidisciplinary team process per §2.2-5209 (except for cases involving foster care maintenance only or IEP services),
- d. expenditures were authorized by the community policy and management team (§ 2.2-5206), and
- e. when required, service providers meet licensing requirements (Section 4.6 of the CSA Policy Manual).

CSA has developed a [CSA Documentation Inventory](#) to assist CPMT's with the development and maintenance of case documentation.

#### Reporting Requirement - Pool Reimbursement Requests

Local governments receiving pool funds must submit electronic Pool Reimbursement Requests not less often than quarterly. Documentation must be maintained to support expenditure amounts reported, and to demonstrate that each pool fund expenditure was made on behalf of a specific eligible child (or list of specific children). The pool fund reimbursement claim should exclude any payment whose services were paid using Medicaid (or any other funding source). Cost for which reimbursement is claimed must be reported pertaining to the fiscal year in which the service was provided. Final claims for reimbursements for prior year payments will not be accepted after the first quarter (September 30) of the next fiscal year. (Section 4.5.2 of the CSA Policy Manual) Adequate separation of duties should exist between Report Preparer and Fiscal Agent and passwords should be kept confidential.

**Required Audit Procedures:** Select a sample of Pool Reimbursement Requests from throughout the year under audit.

- a. Determine that requests were filed at least quarterly.
- b. Determine accuracy of amounts reported by tracing receipts and expenditures to the locality's general ledger or reviewing the locality's reconciliation of amounts reported to the general ledger.
- c. Perform a service year test ensuring reimbursement requests pertain to the year in which the services were provided.
- d. Verify that all expenditures were reported in the appropriate reporting categories.



- e. Verify that the individual preparing the pool fund expenditure report is not the same individual as the locality assigned fiscal agent approver.

### **3-13 Highway Maintenance Funds**

*Contact: Virginia Department of Transportation, Russell Dudley; Phone 804-786-6663, email Russ.Dudley@VDOT.Virginia.gov). [Updated May 2020]*

Sections 33.2-319 and 33.2-366 of the Code of Virginia requires an annual categorical report accounting for all expenditures of highway maintenance funds and an annual audit of this report. Accordingly, the auditor must perform the procedures contained in this section regardless of materiality.

The state Department of Transportation makes payments to all cities, certain towns, and the Counties of Arlington and Henrico for the maintenance of highways. These funds may also be used for construction and reconstruction. (Highway maintenance expenditures for purposes of this program include expenditures for maintenance, construction and reconstruction, and therefore the term “maintenance” is inclusive of these categories of expenses.) Section 33.2-319 of the Code of Virginia establishes the criteria for determining which local governments and highways are eligible for these funds. These eligibility requirements are summarized together with the required treatment for the funds in the Urban Manual published by the Department of Transportation (refer to link below for manual). The auditor should be familiar with this manual prior to commencing test work.

[http://www.virginiadot.org/business/resources/local\\_assistance/Urban\\_Construction\\_and\\_Maintenance\\_Program\\_Guidance.pdf](http://www.virginiadot.org/business/resources/local_assistance/Urban_Construction_and_Maintenance_Program_Guidance.pdf)

Local governments are required to report their highway maintenance expenditures on the Weldon-Cooper Center financial survey. Localities annually report transportation expenditures to the Weldon Cooper Center to provide information for VDOT to report to the Federal Highway Administration. The Weldon Cooper Local Finance Survey includes the necessary categories for reporting the maintenance expenditures.

The local government is required to complete the financial survey when the Weldon Cooper Center requests it. The survey can be completed online and is due on March 15<sup>th</sup> each year. Therefore, the auditor is responsible for performing the following audit procedures on the annual Weldon Cooper Center Local Finance Survey submitted for the year prior to the current audit year.

Special Requirement - Separate Accounting

Revenues and expenditures applicable to street maintenance payments must be accounted for in a separate fund or separate accounts within the local government's accounting system (Urban Manual).

**Required Audit Procedure:** Determine whether the method used by the local government to account for street maintenance payments is adequate to separately account for such funds. Also, using the State Disbursements Report to Localities (Cardinal Report) provided by the Auditor of Public Accounts, trace all Urban Street payments to the local government's general ledger and determine proper recording.

Allowability Requirement - Program Costs

Costs reported on the annual Weldon Cooper Center Local Finance Survey must be allowable costs for the maintenance, construction, or reconstruction of eligible streets (Urban Manual).

**Required Audit Procedure:** Obtain a copy of the annual Weldon Cooper Center Local Finance Survey for testing. Obtain a copy of, or access to, all schedules, worksheets, and other documentation supporting the costs claimed on the Weldon Cooper Center Local Finance Survey. Select a representative sample of charges claimed on the Weldon Cooper Center Local Finance Survey and examine supporting documentation to determine whether:

- a. Costs were incurred for the maintenance, construction or reconstruction of the street(s) as defined by the Urban Manual,
- b. Costs are "acceptable" costs under the program as defined by the Urban Manual,
- c. The street is an eligible street included on the Department of Transportation's annual listing of eligible streets (Urban Inventory)
- d. Determine the reasonableness of charges that have been allocated to eligible streets for maintenance, construction and reconstruction activities (i.e. time logs, equipment use logs and rental rates, indirect cost plans, etc.)

Note: The annual listing of eligible streets (Urban Inventory) required to perform step (c) can be obtained from the local government's public works department or VDOT's Local Assistance Division.

Reporting Requirement - Annual Report

Local governments receiving street maintenance funds must submit an annual Weldon Cooper Center Local Finance Survey to the state Department of Transportation accounting for

payments received and related expenditures (§33.2-319 of the Code of Virginia and Urban Manual). Payments and expenditures claimed on the annual report must reconcile to the local government's accounting system and must be supported by detailed documentation.

**Required Audit Procedures:** Obtain the annual Weldon Cooper Center Local Finance Survey for the audit year. Also, obtain (or prepare if so specified in the audit contract) a reconciliation of revenues (total allocation) and expenditures per the Weldon Cooper Center Local Finance Survey to the locality's general ledger or highways cost accounting system. Review the reconciliation for accuracy and reasonableness. If amounts are reconciled to the cost accounting system, the auditor also must review the internal controls over that system.

### **3-14 Route 28 Highway Transportation Improvement District**

*Contact: Virginia Department of Transportation, Wendy Thomas, Director, Financial Planning Division, Phone 804-225-3552, email wendy.thomas@VDOT.Virginia.gov. [Updated May 2020]*

Title 33.2, Chapter 21, of the Code of Virginia and Section 404 of the District Contract require an annual audit of the State Route 28 Transportation Improvement District's financial obligations and revenues. Accordingly, the auditors must perform the procedures contained in this section regardless of materiality. **These procedures apply only to the audits of Fairfax and Loudoun counties.**

In accordance with §33.2-2101 of the Code of Virginia, the Fairfax and Loudoun county board of supervisors approved a resolution (called the local contract) to create the State Route 28 Highway Transportation Improvement District (District). The purpose of the improvement district is to undertake the improvement of the primary highways located within its boundaries. In accordance with the Code of Virginia, a District Commission was created to exercise the powers of the district. The District Commission is made up of members of board of supervisors of Loudoun and Fairfax Counties and the chairman of the Commonwealth Transportation Board.

A District Advisory Board was also created in accordance with the Code of Virginia. The advisory board is made up of members appointed by the two governing bodies and elected members who reside within the district. The purpose of the advisory board is to identify transportation needs within the district. The advisory board presents an annual report to the District Commission on its findings.

Because the District Commission has no taxing power, the Code of Virginia permits it to request Fairfax and Loudoun counties to levy and collect an annual special improvements tax. The proceeds are paid to the District Commission to pay for road improvements.

During 1988, the District Commission contracted with the Commonwealth Transportation Board to carry out its improvements (called the district contract). The district contract was amended and restated on August 30, 2002 and again on May 1, 2012. In its contract with the Commonwealth Transportation Board and the Fairfax County Economic Development Authority (the Authority), the District Commission agreed to pay over all of the special improvements tax to a Fiscal Agent for use in paying the District's obligation for the cost of the Route 28 improvements. The Commonwealth Transportation Board originally issued revenue bonds to finance these improvements. These bonds were defeased on October 10, 2002 and refunded with current interest rate refunding bonds maturing during the years 2002 through 2018. Also, in October 2002, the Board issued new money capital appreciation bonds, in accordance with Section 302(c) of the District Contract. The new bonds mature in years 2019 through 2032. In May 2012, the Commonwealth Transportation Board defeased all of the callable 2002 bonds with current interest bonds maturing during the years 2013 through 2032. The 2002 non-callable capital appreciation bonds maturing during the years 2019 through 2027 remain outstanding.

Additionally, the Authority entered into a November 2006 contract amendment to issue \$87,000,000 in bonds (Authority bonds), and accept a \$20,000,000 interest-free loan and a \$5,000,000 grant from the Transportation Partnership Opportunity Fund (TPOF), to provide additional construction funds to complete the project (district contract Section 302 (e)). However, during the update of the FY2008 Six-Year Improvement Program, VDOT replaced the TPOF loan in the amount of \$20 million with an allocation of \$23.9 million in state funds.

Chapter 770 of the Acts of Assembly of 2002 (Third District Act Amendment) provides that the District shall not be abolished as long as there is an outstanding District obligation. The auditor should familiarize himself with the district contract, prior to commencing test work. The auditor also may want to review the local contract, which was also amended and restated on August 30, 2002, that initially created the improvement district.

In February of 2014, the District Commission received an additional \$5,000,000 grant from the Transportation Partnership Opportunity Fund (TPOF) to assist in constructing a bridge widening over the Dulles Toll Road.

Special Requirement - Contract Amendments

The District Commission may not amend the local contract without approval of the other parties to the District Contract (District Contract Section 504). The parties to the District Contract are the Commonwealth Transportation Board, the Fairfax County Economic Development Authority, and the State Route 28 Highway Transportation Improvement District Commission.

**Required Audit Procedure:** Determine whether the proper parties approved amendments made to the local contract, if any amendments have been made during the fiscal year.

Special Requirement - Request for Annual Special Improvements Tax Levy

The District is obligated to pay no more than 75% of the final aggregate cost of the Rt. 28 improvements, as set forth in the district contract. In order to pay this obligation, the District Commission shall request the respective boards of supervisors by April 1 of each year to levy and collect a special improvements tax sufficient to meet the district's obligation to the Transportation Board (District Contract Sections 401, 402 and 406).

**Required Audit Procedure:** Obtain the Commission's request to boards of supervisors for the levy of the special improvements tax and determine whether:

- a. The Commission's request for the levy and collection of the special improvements tax was made by April 1 of the prior fiscal year,
- b. The special assessments tax rate was sufficient to meet the district's obligation as set forth in Section 401 of the district contract, and
- c. There were any zoning changes that affected the classification of property within the primary highway transportation improvement district. If so, determine whether the Commission requested the board of supervisors to adjust the rate of the special improvements tax, and increases in the rate did not exceed the maximum allowed by §33.2-2105 of the Code of Virginia.

Special Requirement - Annual Special Improvements Tax Levy

Upon the request of the District Commission, the boards of supervisors shall levy and collect an annual special improvements tax on the assessed fair market value of the taxable real estate zoned for commercial or industrial use or used for such purposes and taxable leasehold interests in that portion of the improvement district within its jurisdiction. The tax shall be collected at the same time and in the same manner as county taxes are collected (§33.2-2105

of the Code of Virginia). As of September 2002, the Commission shall request that the counties set the special improvement tax rate at the maximum rate permissible under the Code of Virginia §33.2-2105 and district contract Section 401(b). The district contract fixes the maximum special improvements tax rate at .20 per \$100 of assessed fair market value for the term of the contract (Section 401(f)(ii)).

The special improvements tax rate shall be assessed at the maximum rate until the following two occurrences:

- a. Available special tax revenues in each of the two fiscal years immediately preceding the fiscal year in which the reduction occurs have been greater than 1.1 times the combined debt service in each of those fiscal years, calculated as required in Section 401 (a) AND
- b. It is anticipated by the District Commission that available special tax revenues in each subsequent fiscal year will be greater than 1.1 times the combined debt service as calculated. (District Contract Section 401 (b))

Following these occurrences, the rate may be reduced to a level sufficient, in the judgment of the District Commission, to pay 1.1 times the combined debt service.

**Required Audit Procedure:** Obtain a listing of taxable real estate subject to the special improvements tax and the special improvements tax rate for the year under audit and:

- a. Make an overall proof of the original levy by multiplying the assessed value of property and leasehold interests by the related special improvements tax rate. Compute the net levy by adjusting the original levy for supplemental assessments, if applicable
- b. Determine whether the special improvements rate was levied at the maximum rate permissible, set at \$.20 per \$100 of assessed fair market value (Section 401 (f),
- c. If the special assessments tax rate was assessed at below the maximum rate, ensure the conditions set forth in the District Contract Section 401 (b) have been met, AND
- d. Select a representative sample of property and leasehold interests within the primary highway transportation improvement district and determine whether the special improvements tax levy was properly assessed and collected.

**Special Requirement - Authority Revenue Stabilization Fund**

Any available excess revenues on hand immediately after the final debt service payment in any fiscal year shall be allocated to the creation and funding of an Authority Revenue Stabilization

Fund (the Fund) until the Fund reaches \$8,500,000 (District Contract Section 401(c)). After all Authority Bonds have been issued, the Fund shall be increased or decreased so that it equals the maximum annual debt service on all Authority Bonds. Once the Fund is fully funded, any excess revenues will be applied to the District Project Completion Fund (District Contract Section 401).

**Required Audit Procedure:**

- a. Determine whether excess revenues (amounts exceeding required debt service payments) were paid to the fund after the required debt service payments in a fiscal year, and
- b. Determine if the fund is fully funded, determine whether any excess revenues have been applied to the District Project Completion Fund.

**Special Requirement - Payment of Taxes to the Transportation Board**

The District shall direct Fairfax and Loudoun Counties to pay the designated Fiscal Agent all Special Tax Revenues by the first day of each month, but in no event later than 45 days after receipt. (District Contract Section 402)

**Required Audit Procedure:** Determine whether the proceeds from the special improvements tax were paid to the Fiscal Agent by the first day of each month, but in no event later than 45 days after receipt.

**Special Requirement - Reporting of Tax Revenues**

The Fiscal Agent shall maintain adequate records of the outstanding balance of the District Obligation and forward to the District Commission and the Commonwealth Transportation Board, a financial report and statement setting forth such information by February 15 and August 15 of each year. The statement shall indicate the amount of the District Obligation for the current fiscal year. The Fiscal Agent shall deposit in a special account all Special Tax Revenues received. (District Contract Section 403(a))

**Required Audit Procedure:** Obtain the two financial reports from the Fiscal Agent for the audit period and agree the amount of Special Tax Revenue reported on the reports to the county's records. Identify and resolve all reconciling differences.

Special Requirement - Annual Audit

The District must have an annual audit of its financial obligations and revenues (District Contract Section 404).

**Required Audit Procedure:** Obtain the locality prepared schedule disclosing unremitted special tax revenue at July 1, collections, transfers to the Fiscal Agent, and the unremitted balance at June 30. Determine whether amounts agree to the accounting records.

Special Requirement - Residential Rezoning Lump-Sum Payments

Fairfax and Loudoun counties may change the zoning classification for any property within the District from commercial or industrial use to residential use upon the written request of the landowner. Before the county may authorize the rezoning, the landowner is required to pay a lump-sum amount representing the present value of the special improvement taxes estimated to be the lost revenues as a result of such change in classification. This lump-sum payment is assumed to mitigate the financial impact on the District's tax base needed to pay debt service on the Route 28 transportation revenue bonds. (District Contract Section 407)

**Required Audit Procedure:** Obtain a list of all properties within the District for which the counties have changed zoning classifications from commercial or industrial use to residential use and:

- a. Determine whether the lump-sum payments were computed and collected as prescribed in the District Contract., and
- b. Obtain the locality prepared schedule disclosing discrepancies between the residential rezoning payments and the computation formula. Ensure copy of this schedule is mailed to ~~Laura Farmer~~Wendy Thomas, ~~Acting Chief Financial Officer~~Director, Financial Planning Division, Virginia Department of Transportation, 1221 East Broad Street, 4th Floor; Richmond, VA 23219.

**3-15 Social Services**

*Agency Contact: Department of Social Services, Ross McDonald, Director of Compliance, office phone 804-663-5539, work cell: 804-664-0065; e-mail- [ross.l.mcdonald@dss.virginia.gov](mailto:ross.l.mcdonald@dss.virginia.gov) [Updated May 2020]*

*For Auditing Questions, contact Jennifer Eggleston, APA Audit Director for VDSS audit, phone 804.225.3350; e-mail [jennifer.eggleston@apa.virginia.gov](mailto:jennifer.eggleston@apa.virginia.gov), OR*



George D. Strudgeon, Auditor of Public Accounts, Audit Director - Compliance Assurance, phone 804.225.3350; e-mail [george.strudgeon@apa.virginia.gov](mailto:george.strudgeon@apa.virginia.gov)

### Implications of COVID-19

On March 31, 2020, the Federal Administration for Children and Families (ACF) sent Information Memorandum IM-ACF-OA-2020-01 to State Child Welfare Agency Directors, regarding grant flexibilities when conducting human service activities related to or affected by COVID-19.

In part, the Information Memorandum contains the following information:

To the extent permitted by law, and in accordance with 45 CFR §75.102(a), the memorandum provides short-term relief for administrative, financial management, **and audit requirements** under 45 CFR Part 75 (the HHS implementation of 2 CFR Part 200), Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, without compromising Federal financial assistance accountability requirements.

The local government auditors should obtain and review IM-ACF-OA-2020-01 (and the associated links) to determine the impact on any planned audit procedures.

### Program Overview

The Virginia Department of Social Services (VDSS) oversees the operation of social service programs in accordance with Title 63.2 of the Code of Virginia. Local Departments of Social Services (LDSS), serving every county and city in the Commonwealth, administer the “Benefit” and “Service” programs under the supervision of VDSS. The Virginia model for social services delivery is “state-supervised” and “locally administered.”

Through LDSS, VDSS administers over 40 programs that provide benefits and services to eligible at-risk families, children, and adults. Federal, state, and local governments share the costs of administering these social services programs. These programs are described below.

**Benefit Programs** include Medicaid; Family Access to Medical Insurance Security (FAMIS); Supplemental Nutrition Assistance Program (SNAP); the ~~Virginia Independence Program (VIP)~~ Temporary Assistance for Needy Families (TANF) Program), which is funded by the ~~Temporary Assistance for Needy Families (TANF)~~ block grant and state funds and includes the

work-related Virginia Initiative for ~~Employment-Education and Work~~ not Welfare (VIEW) component and a cash assistance component; General-Relief, which is limited to unattached minors; TANF-Emergency Assistance; Energy Assistance and TANF-Unemployed Parents. LDSSs determine eligibility and provide ongoing case management. Eligibility for most benefit programs is determined at the local level using guidelines and procedures contained in the VDSS program manuals; Medicaid and FAMIS guidelines are developed by DMAS. Medicaid and FAMIS eligibility may be determined at the LDSS or at a Central Processing Unit (CPU) operated by the Department of Medical Assistance Services (DMAS); however, ongoing case management is provided by the LDSS.

Localities generally determine eligibility for benefit programs by collecting and verifying applicant data and then determining eligibility and calculating the benefit amount either manually or in an automated system, depending upon the program; the majority of eligibility (Medicaid, TANF, SNAP, Energy Assistance and Child Care are determined by VaCMS although Child Care is supervised in another division). Eligibility for benefit programs is determined using the Virginia Case Management System (VaCMS). In addition, to enable eligibility staff to have access to historical information on closed cases that were not converted to VaCMS, a new system, ADAPT- Read Only (RO) has been developed. Assistance is paid based on eligibility information entered into VaCMS by the LDSS staff.

The actual distribution of benefits varies by program. For example, under the General Relief program ~~and Emergency Assistance programs~~, the LDSS distributes benefits directly to the recipients through the LDSS' warrant registers. However, under the TANF, SNAP, and Energy Assistance programs, even though LDSSs determine eligibility, the VDSS distributes benefits to eligible households and vendors; most benefits are issued through an electronic card similar to a debit card for TANF and SNAP. Medicaid and FAMIS coverage is paid by DMAS to participating providers based on the eligibility determination performed by the LDSS or the DMAS CPU.

While the Commonwealth of Virginia pays public assistance benefits for recipients, as discussed above, VDSS and the LDSSs share responsibility for meeting federal compliance requirements for determining recipient eligibility. As such, the local government auditor must meet their responsibilities for evaluating the requirements governing eligibility that apply to the locality and testing internal controls and compliance as required by the standards.

Materiality in a Single Audit differs from that in an audit of the financial statements. Materiality in a Single Audit is affected by the (a) nature of the compliance requirements, which may or may not be quantifiable monetarily; (b) the nature and frequency of noncompliance identified with an appropriate consideration of sampling risk; and (c) qualitative considerations, such as the needs of federal agencies and pass-through entities (such as the Virginia Department of Social Services (VDSS)). Although public assistance benefit payments are not reported on the locality's Schedule of Expenditures of Federal Awards (SEFA), the local government auditor must consider that the locality earns and is able to recognize the resulting revenue from the administrative expenses reported on the SEFA as an outcome of providing compliant eligibility determinations and continued case management services.

In determining if eligibility is qualitatively material to a major program and the amounts reported in the financial statements, the local government auditor should document their consideration of qualitative factors, for example, caseload information, other data and reports made available on the Virginia Department of Social Services (VDSS) website, in making their qualitative evaluation required by the standards.

To provide transparency into the benefits that each LDSS authorizes, VDSS publishes annual financial statements by locality, which provide detail of the social services expenses by category and budget line, to include the breakout between administrative funding to the LDSS and the LDSS's portion of statewide benefit payments. These statements are available on the VDSS website at the following link:

[http://www.dss.virginia.gov/geninfo/reports/agency\\_wide/jlarc.cgi](http://www.dss.virginia.gov/geninfo/reports/agency_wide/jlarc.cgi)

In addition, the VDSS annually publishes the Local Departments of Social Services Profile information to include data related to local agency caseload and expenditure and local population demographics. This data is available on the VDSS website at the following link:

[https://www.dss.virginia.gov/geninfo/reports/agency\\_wide/ldss\\_profile.cgi](https://www.dss.virginia.gov/geninfo/reports/agency_wide/ldss_profile.cgi)

Additionally, LDSSs are responsible for providing workforce programs to participants who do not meet the work exemption criteria in the SNAP and TANF cash assistance programs. The SNAP workforce program is called the SNAP Employment and Training (SNAPET) Program and the TANF cash assistance workforce program is called the Virginia Initiative for ~~Employment not Welfare~~ Education and Work (VIEW) program. Finally, LDSSs are responsible for ongoing case management activities for all benefit programs.

While currently not organizationally associated with the Division of Benefit Programs, child care assistance is defined as a public assistance program according to §63.2-100 of the Code of Virginia, as are the other programs supervised by the Division of Benefit Programs. The VDSS uses an automated eligibility determination system for child care assistance called the Virginia Case Management System (VaCMS). VaCMS includes the functionality of online screening and application, eligibility determination, financial management and child care vendor management.

### **Community and Volunteer Services (CVS)**

VDSS maintains close relationships with community organizations, faith-based organizations, non-profits and local departments of social services. These relationships enable the Virginia Social Services System to pool resources to provide a safety net for services for those most in need. CVS seeks out ways to partner with the Commonwealth and, private, volunteer and community organizations to share information and fortify the Virginia Social Services System (VSSS) statewide network of services.

### **Regional Offices**

VDSS has five regional offices: the Northern Virginia Office in Warrenton; the Eastern Office in Norfolk; the Central Office in Henrico; the Piedmont Office in Roanoke; and the Western Office in Abingdon. Directors in each location work collaboratively with state staff housed in both the Home and Regional Offices to support Virginia Social Services System initiatives and the local departments of social services.

### **Sub-recipient Monitoring (SM)**

The purpose of sub-recipient monitoring is to help ensure that VDSS awards are used in accordance with federal and state laws and regulations, and for the purpose for which they were intended. Entities that receive such awards are referred to as sub-recipients. Examples include:

- Local Departments of Social Services;
- Local and state governments agencies (e.g. counties, health departments, school systems; boards of education);
- Non-profit agencies;
- For-profit agencies;
- Colleges and universities; and
- Clients.

**VDSS monitoring efforts include:**

- Agency wide sub-recipient monitoring processes
- Annual Financial Report Submission Requirements for Local Government, Community Action Agencies and Non-Profit Organizations
- Local Government Central Service Cost Allocation Plan Reviews

**VDSS' Agency-Wide Sub-recipient Monitoring Processes**

The Virginia Department of Social Services has financial assistance relationships with a wide variety of organizations – local government agencies, county or city local departments of social service, public authorities, non-profit and for-profit entities, as well as colleges and universities. These agencies vary from very large organizations such as a large county or city government or a state university to very small non-profit agencies. Regardless of the size or type of agency, a financial assistance arrangement exists when another entity expends state or federal funds received from the VDSS to carry-out a state or federal program. In this case, the entity receiving the funds from VDSS is known as the subrecipient.

Monitoring is the review process used to determine a sub-recipient's compliance with the requirements of a state or federal program, applicable laws and policies/regulations, and expected results and outcomes. Monitoring also includes the review of internal controls to determine if the sub-recipient's financial management and accounting system are adequate to account for program funds in accordance with state or federal requirements. It is the responsibility of each program area and division leadership to conduct sub-recipient monitoring.

**Service Programs**

Services programs include Adult Protective Services, Adult Services, Auxiliary Grants, Child Protective Services, Foster Care, Adoption, Prevention Interstate Compact on the Placement of Children, and other local-only programs which vary by locality. Funds for service programs are provided to LDSSs to administer the programs and provide the actual services. Therefore, localities are required to include both administrative and non-administrative costs associated with these programs in their Schedule of Expenditures of Federal Awards (SEFA). Furthermore, all expenditures related to these programs should be used in determining major programs for the Single Audit. If a service program is determined to be a major program at the local level,

the auditor must test all compliance requirements that have a direct and material effect on the program.

Information on child welfare cases is recorded in the Online Automated Services Information System (OASIS) and data on Adult Services and Adult Protective Services cases can be found in the web based case management system called PeerPlace. The local Treasurer disburses checks (warrants) for these programs.

Separate warrant registers are maintained for each social services program. LDSSs maintain warrant registers to support payments they make by issuing benefit checks. The warrant registers supporting payments made by the local treasurer are totaled monthly and keyed/uploaded into the Locality Automated System for Expenditure Reimbursement (LASER).

LDSSs maintain warrant registers in a manner that is applicable to their particular accounting system. The warrants for specific social service programs can be grouped and sequenced by check number. If the checks are generated by the locality's accounting system, the warrant register may be compiled in a different manner.

The LDSS financial/accounting department compiles the balances from the warrant registers by budget and account to be uploaded to LASER or the balances are compiled manually and the checks are reconciled to the manual system. These balances are classified into the applicable social services program account number sequence. The balances are to be footed and reconciled to the balances of the benefit checks generated either by the localities or the LDSS accounting system. The LDSS compiles the applicable expenses by budget and account number to be manually keyed or electronically uploaded to the applicable LASER accounts.

### **Program Funding**

Most social services programs are funded by federal and state governments. Some programs like Adult Protective Services, Adult Services, General Relief and Auxiliary Grants for the blind, aged, and persons with disabilities, require a local match. The unemployed parent component of the TANF program (TANFUP) is funded with 100 percent state general funds to avoid having these cases counted in the federal work participation rate. The local government does not have to participate in the General Relief program. If the local government chooses to participate, it must provide a matching share (37.5 percent of the benefit costs); however, due to budget reductions, all components of the General Relief program except for Unattached Children have been discontinued. Participation in the Adult Services and Adult Protective Services Programs are mandatory to the extent funding is available. The Auxiliary Grant

program is mandatory. Local governments provide a 20% matching share for this program. In addition, local governments may offer locally based social services programs.

### **General Ledger Reconciliation**

Amounts reported in LASER must be reconciled monthly to be in compliance with Section 3.60 of the [VDSS Finance Guidelines Manual for Local Departments of Social Service](#), *LASER Expenditure Reconciliation and Certification*, ~~of the LDSS Finance Guidelines Manual for Local Departments of Social Service~~. If the LDSSs fail to complete monthly LASER reconciliations or submit the Certification Form in a timely manner, they are subject to VDSS withholding reimbursement of administrative expenses for the following LASER period. [Expenditures reported for reimbursement are reconciled by the LDSS to the system\(s\) that generates the checks and other applicable local source documents \(i.e. general and subsidiary ledgers\) used to compile the data into LASER.](#) ~~The reconciliation is to the system that generates the checks. The local government's general ledger should also be reconciled to the local social services warrant registers.~~

### **Expenditure Reimbursements and Reporting**

VDSS reimburses LDSSs for the state and federal share of expenses using LASER. LDSSs process monthly local reimbursements using information keyed/loaded **into LASER**. **VDSS reviews the local reimbursement request online and then** reimburses the locality for its share of expenditures via electronic funds transfer. In the past for the Child Care Program, LDSSs uploaded case/client expenditure information into the Interim Child Care (ICC) System to reconcile with LASER before reimbursement was approved. Using the new system, the details of expenditures are already contained within the system and VDSS issues payments directly to child care vendors.

The LASER Local Reimbursement Report is the primary financial report for all social services programs as it satisfies most federal and state reporting requirements. LASER reports can provide month-to-date and year-to-date program totals. Other LASER reports show details of expenditure variances between months, quarters, and years, which assist auditors in determining the relative materiality of each program.

VDSS publishes the *Finance Guidelines Manual for Local Departments of Social Services* that provides budget, financial reimbursement, and general service guidelines for LDSSs that administer public assistance and social services programs under the supervision of VDSS. VDSS

also publishes the *LASER "How To" Instructions*, [the VaCMS User Manual](#), ~~a series of various~~ program manuals, and ~~various the agency also issues~~ electronic broadcasts [via FUSION](#) that explain eligibility criteria and other program requirements for various social services programs. The auditor should familiarize him/herself with these reference materials before beginning test work.

### **Improper Payments**

Occasionally, improper payments are made to individuals. Improper payments occur when payments are made (1) to an ineligible recipient, (2) in an amount greater than the recipient is entitled to (overpayment), or (3) in an amount less than the recipient is entitled to (underpayments). Payments to ineligible recipients, fraudulently obtained benefits, and overpayments must be recorded in VaCMS. Prior to implementation of the VaCMS, improper payments made in relation to the Child Care Assistance Program were entered in the Interim Child Care System and LASER. The LDSS must exercise due diligence in attempting to recover these payments. LDSSs are responsible for collecting overpayments. Certain overpayments must be repaid to VDSS as provided for in the various program manuals and the Acts of the Assembly. The auditor should review the procedures for collecting overpayments and ensure that collected funds are promptly and properly recorded and processed. These requirements are set forth in Item ~~351-349~~ of Chapter ~~836854~~, ~~2017-2019~~ Virginia Acts of Assembly.

### **Special Requirements**

Special requirements applicable to specific state supervised and locally administered benefit and service programs are discussed in this section. The discussions of special requirements precede the outlines of required or suggested audit procedures. Systems controls, special requirements, and outlines of required audit procedures are combined and discussed as the last topic.

### **Child Welfare Trust Accounts**

Local treasurers hold special welfare funds for foster children and other individuals. Section [63.2-320](#) of the Code of Virginia authorizes LDSSs to accept and expend funds for children placed by or entrusted to the board when there is no appointed guardian. Some of these individuals receive payments from the Social Security Administration, Veteran's Administration, or parental support. The LDSS posts these and other payments to the individual's account(s) and the local Treasurer posts these transactions to the local



government's account. The statute provides for final disposition of remaining funds in the child's account when the local board discharges the child from its care. However, Section 63.2-320 does not authorize local boards to open bank accounts for these funds. Instead, local boards must follow the law provided in Section 63.2-314, which requires that local boards deposit all funds to the local treasuries of their respective county, city or local district board. The statute further states that these moneys are not assets of the locality or the local welfare board, but rather agency or trust funds held for the children. Federal law specifies that these funds belong to the children, and establishes specific guidelines on the types and titling of bank accounts.

All Child Welfare Trust accounts should be established in a bank or a savings and loan institution. Some local treasurers combine accounts and maintain detailed ledgers showing each child's balance. Other local treasurers maintain separate accounts for each child. Either method is acceptable with one exception. The federal government requires treasurers to maintain a separate dedicated account for certain social security payments.

### **Social Security Recipients**

The Social Security Administration provides two types of payments for children, regular monthly payments and back payments. The LDSS may authorize the disbursement of payments to the child or on the child's behalf for the current or future maintenance of the child. Certain large past-due SSI payments to blind or disabled children covering more than six months of benefits must be paid directly into a separate "dedicated account" in a financial institution. The LDSS may disburse funds in the dedicated account only for limited purposes, usually education or medical, and there are no time limits on disbursing the funds. Federal law requires separate bank accounts for these two types of payments. Public Law (P.L.) 104-134, Section 1631(a)(2)(F) describes the types of accounts required and their titling. Specifically, federal law requires payees to establish and maintain a dedicated account in a financial institution for certain past-due benefit payments made on or after August 23, 1996, for persons with disabilities or blind SSI recipients under age 18. This dedicated account must be separate from the account(s) for the deposit of regular monthly SSI payments. The LDSS may not deposit any other funds into the dedicated account except certain subsequent SSI underpayments and past-due benefits. Local Treasurers must deposit the regular SSI monthly payments in the Special Welfare Account and large retroactive amounts received by a disabled child in the dedicated account.

Federal law states that SSI Dedicated Account may be a savings account; a checking account; or a money market account established in a financial institution. Although not specified in the law, the account should be interest bearing. Federal law does not permit investing in certificates of deposit, mutual funds, stocks or bonds for these funds. These instruments are not considered financial institutions' accounts. Treasurers may set up a separate SSI Dedicated Funds Account for each child or use a collective SSI Dedicated Funds Account. However, federal law only permits collective dedicated checking or savings accounts if they meet existing federal policy and the new requirements for dedicated accounts described above.

#### **SNAPET Reporting Validation**

This requirement only pertains to localities that operate a SNAP Employment and Training (SNAPET) program. Expenditures reported in LASER for SNAPET/Transportation expenditures must be reconciled to ensure that they are captured in the proper federal reporting category. SNAPET purchased or contracted services must be reported in LASER cost code 84403. Actual SNAPET participant expenses must be reported in LASER cost code 84404. Appropriate documentation for these and all other expenditures must be retained for audit and review. See the Finance Guidelines Manual for Local Departments of Social Services for detailed requirements for cost codes 84403 and 84404.

#### **EBT Staff Fraud Prevention**

Electronic benefits transfer (EBT) is the distribution of SNAP benefits with an electronic funds card. The electronic funds card is similar to a debit card in that transactions can be made electronically. However, unlike a debit card, electronic funds cards can only be used to purchase approved food items in federally approved retail outlets, Farmer's Markets, and direct market farmers. The electronic funds card has replaced paper coupons. Conduent (formerly Xerox) is providing EBT services for SNAP in Virginia. Each LDSS is responsible for maintaining separation of duties between the Eligibility Workers, Issuance Clerks, and Fiscal Staff for EBT processes to prevent staff fraud. **The auditor must perform the procedures outlined in this section regardless of materiality.**

#### **Procurement**

In many local governments, the procurement for service programs such as child care and foster care training is performed by the LDSS rather than through a central procurement office. Eligibility and purchase orders for child care are the responsibility of the LDSS. Payments made to child care vendors are made centrally through VaCMS. The auditor should be aware of the procurement of these programs and determine whether they complied with applicable

procurement regulations (the Virginia Public Procurement Act (VPPA) or local procurement policies and procedures).

### **Audits of States, Local Governments, and Non-Profit Organizations**

The annual submission of audit reports to VDSS enables the department to assure compliance with the Single Audit Act of 1984 and its amendments of 1996, and the Uniform Guidance requirements in the [Code of Federal Regulations Part 200](#). It also allows VDSS to determine whether corrective action plans adequately address exceptions cited in auditor reports. Completed audit reports should be [emailed/sent](#) directly to the VDSS Division of [Community and Volunteer Services Finance – Local Review Team](#), to allow for a timely review.

Office of Management and Budget's (OMB) Part 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Rule" or the Uniform Guidance, supersedes and streamlines requirements from the prior OMB Circulars. Under the Uniform Guidance the threshold for completion of Local Government Single Audit Reports has increased to \$750,000 total federal expenditures.

The "**Required Audit Procedures**" sections included below outline the required audit procedures for various programs, including those with special requirements.

**Required Audit Procedure:** Select a random sample of VIEW purchased service transactions to determine whether the services are in accordance with policy and appropriate based on the individual VIEW Participants Activity and Service Plan.

### **Child Welfare Trust Accounts Required Audit Procedure:**

Determine how the locality accounts for Child Welfare Trust Funds. Determine whether:

- (a) all Child Welfare Trust Funds bank/investments accounts are under the local Treasurer's control,
- (b) the local Treasurer has established separate accounts for all Child Welfare Trust funds, and these trust fund accounts are not commingled with any other funds or accounts of the locality,
- (c) the Treasurer either maintains separate accounts for each child or maintains detailed subsidiary ledgers to identify each child's balance in pooled accounts,

- (d) all Child Welfare Trust Fund Accounts are suitably titled to indicate the children are the fund owners, and only the payee can authorize access to the child's funds,

Below are two examples of acceptable titling.

**County Department of Social Services  
for CHILD NAME  
Trust Fund Account**

or

**County Department of Social Services  
for SSI Recipient  
Dedicated Funds Account**

- (e) all accounts with sustained balances are interest-bearing, and
- (f) the local LDSS has the responsibility to ensure the accounts are reconciled.

**Special Welfare and Dedicated SSI Accounts Required Audit Procedure:** Review the special welfare and dedicated SSI account ledgers maintained by the LDSS to identify special welfare accounts. Select a sample of cases receiving supplemental support payments from outside sources. Determine whether:

- (a) the receipts are credited accurately and timely to the special welfare account or the dedicated account of the appropriate individual,
- (b) interest is properly credited to the account when earned,
- (c) the local treasurer is reimbursed monthly for program expenditures incurred in the current month, and only in the current month,
- (d) reimbursements are reported on LASER and/or the Local Reimbursement Reports as refunds to expenditures,
- (e) unexpended special welfare funds and dedicated funds are returned to individuals who leave the agency's custody, refunded to applicable funding sources (for example Social Security), or escheated to the state (unclaimed property),
- (f) each special welfare account and dedicated account is reconciled monthly with the treasurer's records,
- (g) special welfare funds were spent in accordance with any special stipulations,

- (h) SSI Dedicated funds were spent in accordance with Social Security Administration stipulations (usually education or medical expenses), and
- (i) Special welfare accounts and SSI Dedicated accounts without recent transaction activities are necessary.

**Social Security Recipients Required Audit Procedure:**

Determine whether the Treasurer has established a separate account(s) for SSI dedicated funds and whether these funds are commingled with other Child Welfare Trust funds or other funds or accounts of the locality. Also determine that SSI Dedicated funds are held in an interest-bearing savings account, checking account, or a money market account established in a financial institution.

Note: Many local governments report special welfare funds as agency funds in their financial statements. Other local governments currently do not include these funds in the financial statements. However, the required audit procedures listed above must be performed regardless of whether they are included in the locality's financial statements.

**EBT Required Audit Procedures:** Determine whether the duties of eligibility workers, issuance clerks and fiscal staff are separated for each SNAP EBT account. The auditor should review the Internal Action and Vault Card Authorization (Form 032-03-387/1) EBT form for the selected SNAP cases to determine whether duties are properly separated.

See the EBT Policies and Procedures Guide, available at the local social services department, for additional information.

**SNAPET Reporting Validation Required Audit Procedure:** Obtain source documentation for a sample of expenditures reported under LASER cost codes 84403 and 84404 to verify that expenditures were properly reported.

**Procurement Suggested Audit Procedures:** The payments to a vendor for service program benefits should be aggregated to determine the applicable procurement requirements. The auditor should consider testing a sample of payments to these vendors and determine if the LDSS complied with applicable procurement regulations (Virginia Public Procurement Act (VPPA) or Local Procurement Policies and Procedures). Failure to comply with procurement requirements on federal expenditures may result in questioned costs.

**Required Audit Procedure:** Obtain (or prepare if so specified in the audit contract) a reconciliation of expenditures per the social services warrant registers and Local Reimbursement reports to the local government's financial records. Review reconciliation for reasonableness and verify that the warrant registers, local reimbursement/LASER reports, and the local government's financial records are in agreement. Test applicable expenses for appropriate documentation and verify that the local matching dollars reported in LASER for the LDSS equal the local matching dollars reported in the local government's financial records.

**Information Systems Security Controls Required Audit Procedures:**

**Local Security Officer (LSO)**

Each Local Department is required to appoint and train two Local Security Officers (LSOs) to act as the single focal point for access control. These LSOs require a working knowledge of the Local Security Manual and the Security Access Management System (SAMS).

**Required Audit Procedures:** Determine that the Local Department has appointed a primary LSO and at least one alternate LSO. Determine if the Local Department has a program to train both the primary and alternate LSOs in their security officer functions.

**Annual Review of Access**

Each LSO should be annually reviewing all employees' access to each application with employees' supervisors to ensure that the access is properly aligned with job responsibilities.

**Required Audit Procedures:** Review local employees with access to each application to determine if they have a current access request form on file, and if the access in the system matches each application on the form. Also determine if this access was reviewed within the last year.

**Acceptable Use Policy**

Each Local Department is responsible for having employees read and acknowledge their understanding of the VDSS Information Resource Acceptable Use Policy. The VDSS Acceptable Use Policy can be obtained from the State/Local Security Officer or found on the VDSS website at: <https://www.dss.virginia.gov/files/division/isrm/acknowledgementform.pdf>

In accordance with VDSS policy, employees should electronically sign the VDSS Information Security - Policy Acknowledgement and Non-Disclosure Agreement on an annual basis as part

of the required Role-Based VDSS Information Security and Privacy Awareness Training. Every year when users take their role-based training, they electronically acknowledge the same agreement via an end-of-course exam. This is a risk-based approach to the VDSS Acceptable Use Policy that allows VDSS to include emerging threat/risk information in training and capture the acknowledgement online annually. Note that the annual electronic signing/acknowledgment, which is part of the role-based training, is in addition to the physical form signed for a new employee and renewed every five years. In accordance with VDSS Information Resource Acceptable Use Policy, all employees must sign the VDSS Information Security – Policy Acknowledgement and Non-Disclosure Agreement prior to requesting access. This form is renewed and signed with a “wet” signature every five years. The Local Security Officers are required to maintain copies of these forms for each employee within their office/division for five to seven years.

**Required Audit Procedures:** Determine that the Local Department has documentation indicating that employees and volunteers have acknowledged reading and understanding the VDSS Acceptable Use Policy.

#### **VDSS Information Security Policy**

All employees, contractors, vendors, volunteers and work experience personnel shall receive role-based Information Security and Privacy Awareness training. This training will occur upon initial hiring or prior to his or her access to VDSS systems. All users will receive annual security training at a date to be determined by the VDSS Central Office security staff. VDSS policy requires at least one hour of training completed annually within 365 days of the last training. Refer to Section 4.1 Role-Based Information Security and Privacy Awareness Training at the Information Security Policy and Program Guide located on VDSS website at: <https://www.dss.virginia.gov/files/division/isrm/policyguide.pdf>.

#### **Required Audit Procedure:**

Request the LSO produce the Incomplete Initial and Annual Training report in the Security Access Management System (SAMS). There should be no names on the report. If a local employee is noted on this report, auditor should verify that the employee’s systems user access has been suspended (to include access to email) until the required annual security awareness training has been completed.

**Emails** containing VDSS and client information must be sent via secure means. Emails containing sensitive data that are sent over the Internet must be encrypted. Abusive,

harassing or threatening emails must be reported to management and should never be responded to.

**Required Audit Procedure:** Through observation and inquiry (and through other audit procedures performed as part of this section), determine whether management has a policy and procedures in place to communicate with employees user awareness and compliance with requirements specific to securely sending sensitive VDSS and client information.

#### **VDSS Information Security Policy**

Computer Access Request Forms documenting a user's access authority must be available for all users.

**Required Audit Procedure:** Review a sample of Computer Access Request Forms and verify management approval for user access privileges. Verify these requests against SAMS or the applicable application (ADAPT, OASIS, VaCMS, and SPIDeR).

#### **Terminated Users**

When a user leaves the LDSS, their access privileges must be immediately removed from all systems they were authorized to use.

**Required Audit Procedures:** From local personnel records, select former LDSS personnel to determine if their access privileges to all VDSS systems were removed within three working days of employment termination. The Computer Access Request Form should identify all access privileges granted to a user.

#### **Continuity of Operations**

Each LDSS should have a documented Business Continuity Plan (aka COOP). The requirements for Business Continuity Plans for state government are managed by the Virginia Department of Emergency Management (VDEM). All state agencies must use the "VDEM Continuity Plan Template." VDEM also offers guidance and a recommended COOP plan template for local governments. The COOP resources are available to a locality upon request to VDEM's planning division, but are not currently available on VDEM's website.



**Required Audit Procedures:**

**If the locality has encountered any significant changes during the year, such as upgrades, relocation, other changes, etc. impacting essential functions, operations, services, systems, or personnel, the auditor should perform the following procedures:**

- a) Determine that there is a current documented Business Continuity Plan in accordance with the locality's established policy and requirements (which may be based on the VDEM Plan Template) and that the locality has reviewed and updated the plan based on applicable changes that have occurred (updated within the previous 12 months).

NOTE: The VDEM template is not required for use at the local level; rather, it is recommended. LDSSs must adhere to the locality's requirements for continuity planning, including format.

- b) Determine that the established COOP plan procedures address applicable types of disruptions. Determine if the locality is equipped with devices that support the established COOP plan.

NOTE: VDEM requires state agencies, and therefore recommends to localities, that they plan for worst-case scenarios so that their Continuity Plans can be used as a guide to recovering from all lesser interruptions. It is more important to identify, and plan recovery for, mission/critical essential functions that are identified as a result of Business Impact Analyses (BIAs).

- c) Determine that the plan prioritizes recovery tasks and assigns responsibilities and detail procedures to implement actions to continue essential functions within the recovery time objectives established by the COOP Team to maintain essential functions for up to 30 days.

**3-16 Stormwater Utility Program**

As required in Chapter 854 of the 2019 Acts of Assembly, Item 2D, each locality establishing a utility or enacting a system of service charges to support a local stormwater utility program pursuant to § 15.2-2114, Code of Virginia, shall provide to the **Auditor of Public Accounts by October 1 of each year**, in a format specified by the Auditor of Public Accounts, a report as to each program funded by these fees and the expected nutrient and sediment reductions for each of these programs. The Auditor of Public Accounts provides the localities an annual report template. Refer to "Locality Stormwater Utility Reporting Form" published on the APA website

at the Local Government *Annual Guidelines, Manuals, and Other Procedural Documents* page, under General Information, [http://www.apa.virginia.gov/APA\\_Reports/guidelines.aspx](http://www.apa.virginia.gov/APA_Reports/guidelines.aspx)

[Section 15.2-2114](#) of the Code of Virginia stipulates that income derived from a utility or system of charges shall be a dedicated special revenue, may not exceed the actual costs incurred by a locality, and may be used only to pay or recover costs for the following:

- The acquisition, as permitted by §15.2-1800, of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;
- The cost of administration of such programs;
- Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, including the enlargement or improvement of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;
- Facility operation and maintenance, including the maintenance of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control the stormwater;
- Monitoring of stormwater control devices and ambient water quality monitoring; and
- Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

The authorizing statute of section 15.2-2114 is specific to those localities that have established a qualifying stormwater **utility** program. Such stormwater utilities are a “user fee,” which allows a locality to collect fees from property owners for the comprehensive management of stormwater within the locality, including such initiatives as education and outreach, storm drain marking, management of existing stormwater ponds, etc. The stormwater utility under Section 15.2-2114 is different from the fee a locality may assess as authorized under the [Virginia Stormwater Management \(VSMP\) regulations](#) of the Virginia Administrative Code, Title 9, Agency 25, Chapter 870. The VSMP regulations enable localities to assess fees to developers to pay for the cost to the locality of conducting plan reviews and other services in the administration of their local stormwater program.

As required by Chapter 854 Item 2D, the scope of these audit specifications extend only to the audits for those applicable localities which have established a stormwater utility program under section 15.2-2114. Any other stormwater reporting under the VSMP regulation is managed by the Virginia Department of Environmental Quality and does not fall under the scope of these audit specifications.

**Required Audit Procedure:** Determine whether fees collected for the local stormwater utility program are utilized only for allowable expenses listed above in compliance with the provisions of §15.2-2114 of the Code of Virginia.

**Required Audit Procedure:** Obtain a copy of the locality's annual Stormwater Utility Report submitted to the Auditor of Public Accounts, and ensure that the amounts and information on the Report materially reconciles to the locality's underlying accounting records.

*Note:* Since the Appropriation Act requirement for this reporting is due October 1 each year versus the locality's December 15 audit and CAFR reporting deadline, some localities may report "draft" information based on the financial amounts and information that is available at the time of preparing the stormwater utility report.

### **3-17 Fire Programs Aid to Localities**

*Contact: Department of Fire Programs, Theresa Hunter, Grants & Budget Manager; phone: 804-249-1958; email: [theresa.hunter@vdfp.virginia.gov](mailto:theresa.hunter@vdfp.virginia.gov)*

**Note: Since these procedures are new for the FY2020 audits, the auditor must perform the procedures contained in this section regardless of materiality.**

The Virginia Department of Fire Programs (Fire Programs) provides grants and local aid assistance as directed in the Code of Virginia §38.2-401 to the 323 counties, independent cities, and incorporated towns in the Commonwealth of Virginia. Aid to Localities (ATL) is an entitlement program that provides funding directly to localities solely for specific fire service purposes as follows:

- Training volunteer or career firefighting personnel in each of the receiving localities
- Funding fire prevention and public safety education programs
- Constructing, improving, and expanding regional or local fire service training facilities
- Purchasing emergency medical care and equipment for fire personnel

- Payment of personnel costs related to fire and medical training for fire personnel
- Purchasing personal protective equipment; vehicles or vehicular apparatus; or equipment and supplies specifically for the locality's use for fire service purposes
- Providing training and education and purchasing products, including personal protective equipment, diesel exhaust removal systems, decontamination equipment, and commercial extractors designed to reduce the incidence of cancer among firefighters

Localities determine independently how to disburse and manage the funds within their jurisdiction. Localities may pass the funds through to fire departments, or may use the funds directly depending upon the terms and conditions of the program. Funds allocated to the counties, cities and towns must not be used directly or indirectly to supplant or replace any other funds appropriated by the counties, cities or towns for fire service operations.

The distribution of Aid to Localities is made directly to the 323 counties, independent cities, and incorporated towns based on the most current published US Census population. The US Census is collected every ten years. Currently, the Department of Fire Programs is using the most recently published 2010 Census populations for the localities. The minimum allocations for Towns is \$10,000, and for Counties and Cities is \$20,000. Code §38.2-401, paragraph B. sets the minimum for towns at \$4,000 and counties and cities at \$10,000; however, it also authorizes the Fire Services Board to exceed the allocation amounts.

Aid to Localities is distributed to localities as one payment per fiscal year per jurisdiction on a quarterly basis during the months of September (1st quarter), December (2nd quarter), March (3rd quarter), and June (4th quarter). Based upon when localities submit their required documents, ATL funds will be disbursed accordingly.

#### Reporting Requirement- ATL Funds Distribution to Localities

In order to remain eligible for ATL funds distribution, each receiving locality must complete and submit an Annual Report to the Department of Fire Programs categorizing the use of the funds allocated to it for the previous year and must provide two completed Fire Programs Fund Disbursement Agreement forms. Any funds received and not spent by the Annual Report closing date must be reported as carry forward amounts into the subsequent fiscal year's Annual Report. Beginning in FY2015 funding cycle, localities are not required to submit to VDFP the supporting documentation with their Annual Reports to validate total expenditures reported on the Annual Report, or cash carry forward balances from the immediate previous

fiscal year and/or cash carry forward amounts at the end of the current fiscal year as reported on the Annual Report. However, localities are required to retain supporting documentation to validate the expenditures reported on the Annual Report for audit purposes, as required by the VDFP's Aid to Localities policy manual.

Each receiving locality is responsible for certifying the proper use of the funds. Annual Reports and Disbursement Agreements must be certified by the County Administrator or Deputy; City Manager or Deputy; Town Mayor, Town Manager or Deputy; or other duly authorized official whereby the Report is accompanied by a copy of an Ordinance or other such instrument clearly granting that party such authority.

The Department of Fire Programs publishes on its website copies of the applicable fiscal year's ATL Annual Report and the ATL Disbursement agreements that each receiving locality must complete, along with the "Aid to Localities Entitlement Program" policy manual and other resources from the program. These documents and resources are available at <https://www.vafire.com/grants-and-local-aid/aid-to-localities/>.

Page 2 of Fire Programs' manual defines the following terms:

"Annual Report" means the document that jurisdictions are required to submit to VDFP which reports on the use of the funds allocated to the jurisdiction for the previous year.

"Reporting Period" means the 12-month period that is documented in the jurisdiction's annual report.

**Required Audit Procedure:** Obtain a copy of the locality's completed Annual Report and Disbursement Agreement forms submitted to the Department of Fire Programs for the applicable fiscal year under audit. Ensure the Annual Report and Disbursement Agreement forms are properly completed in accordance with Fire Programs' requirements. Reconcile amounts per the Annual Report to the locality's accounting records.

Note: As part of the locality's FY2020 audit, the auditor should review the locality's submission to VDFP for the **FY2019** ATL Annual Report and the FY2020 Disbursement Agreement. VDFP's FY2020 Audit Sheets document on their website states that a locality's submission of the FY19 Annual Report and the FY2020 Disbursement agreement is needed for the locality to receive its FY20 allocations.

**Required Audit Procedure:** Select a sample of program expenditures reported on the locality's Annual Report and agree to supporting documentation. For each invoice/transaction selected, determine whether the expenditure was reasonable and consistent with the program requirements, in accordance with Fire Programs' Aid to Localities Entitlement Program policy manual.

## SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS

### CHAPTER 4

#### QUALITY CONTROL PROGRAM

##### 4-1 **General**

This chapter discusses the Auditor of Public Accounts' quality control program. It includes the policies and procedures the Auditor of Public Accounts uses during quality control reviews. This chapter also includes procedures the Auditor of Public Accounts uses when we find substandard audit quality.

The Auditor of Public Accounts established its quality control program to monitor the quality of local government audits. The quality control program also monitors compliance with generally accepted auditing standards, *Government Auditing Standards*, issued by the Comptroller General of the United States, and the Uniform Guidance Audit Requirements, 2 CFR Part 200—*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, all of which have been incorporated by reference into these audit specifications.

##### 4-2 **Quality Control Reviews**

Quality control reviews consist of a detailed review of the auditor's working papers to determine adherence to applicable standards. They provide an independent review of the auditor's reports and the working papers supporting those reports.

The Auditor of Public Accounts selects a sample of audits each year for quality control reviews. All local government audit firms are subject to review and may include audits selected for the following reasons.

- Significant or repetitive deficiencies found during the previous quality control reviews.
- Concerns raised by local government officials, state agencies, or federal agencies regarding the quality of the audit.
- Audits selected at the discretion of the Auditor of Public Accounts.

The Auditor of Public Accounts notifies firms selected for quality control reviews in writing. Firms will receive notifications as far in advance as possible to allow the firm to prepare for the review.

The reviewer visits the certified public accountant's office and examines the auditor's working papers and certain policies and procedures developed by the audit firm to determine whether:

- a. the audit complies with the Specifications for Audits of Counties, Cities and Towns, issued by the Auditor of Public Accounts;
- b. the audit complies with Government Auditing Standards, issued by the Comptroller General of the United States;
- c. the audit complies with Title 2 *U.S. Code of Federal Regulations* (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- d. the annual financial report complies with generally accepted accounting principles for governmental entities; and
- e. the auditor has performed the agreed upon procedures for the Comparative Report Transmittal Forms as set forth in the Uniform Financial Reporting Manual, issued by the Auditor of Public Accounts.

The reviewer uses a quality control program developed by the Auditor of Public Accounts to assist in the review. A copy of the review program is available upon request.

Audit documentation must meet the standards established by the AICPA and *Government Auditing Standards*. Consequently, audit documentation should provide a clear record of work performed and should contain sufficient information so that supplementary oral explanations are not required. Failure to document required procedures may result in a qualified opinion concerning adherence to standards.

#### 4-3 **Reporting on the Results of Quality Control Reviews**

Upon completion of the initial fieldwork, the Auditor of Public Accounts will provide draft copies of the quality control report to appropriate members of the audit firm for review and comment. The audit firm will have a period, not to exceed sixty days, to respond to the draft before the issuance of the final report. At the request of the auditor, the Auditor of Public Accounts will hold a formal exit conference to discuss any findings. This Office will incorporate any valid changes resulting from the auditor's comments or exit conference into a second draft of the report.

The final quality control review report addresses the overall adequacy of the audit. Firms can receive a rating of pass, pass with deficiency(ies), or fail. When the Auditor of Public Accounts



finds significant deficiencies based on the quality control review, the report will include the findings on matters that require corrective action.

Copies of the final reports will go to the audit firm, local government officials for the applicable audit, the Board of Accountancy, and the Virginia Society of Certified Public Accountants.

The Auditor of Public Accounts maintains copies of the final quality control review reports on file as a matter of public record. The Auditor of Public Accounts publishes the quality control reports, starting with the reports published for fiscal year 2012, on the APA website, Local government section at, [http://www.apa.virginia.gov/APA\\_Reports/qcr\\_reports.aspx](http://www.apa.virginia.gov/APA_Reports/qcr_reports.aspx).

#### 4-4 **Procedures for Substandard Audits**

The Auditor of Public Accounts will communicate all quality control review findings to the auditor. If the auditor receives a rating of fail, then the Auditor of Public Accounts will consider referral to the state or federal grantor agencies and/or the Board of Accountancy as described below.

When the Auditor of Public Accounts notifies the locality's governing body, the notification letter will summarize the findings and identify those areas where the locality has the most risk. The letter also may recommend that the local government require the auditor to perform additional work to reduce the locality's risk.

Where findings relate to state or federal compliance issues, the Auditor of Public Accounts may notify the appropriate state or federal regulatory agencies of its findings. Again, the notification letter will attempt to identify areas where the agency is at risk.

If the Auditor of Public Accounts determines that the audit firm has severe deviations from applicable auditing standards, they may refer the audit to the Board of Accountancy for investigation and possible action.

#### 4-5 **Relationship to Other Quality Review Programs**

*Government Auditing Standards*, issued by the Comptroller General of the United States, requires organizations conducting government audits to have an external quality control review at least once every three years. This quality control review must include at least one governmental audit in its scope.

The American Institute of Certified Public Accounts and the Virginia Society of Certified Public Accountants, as an administering entity, conduct Practice Monitoring Programs (such as Peer Review) that meet the requirements of *Government Auditing Standards* for audit firms in public practice. The quality control reviews conducted by the Auditor of Public Accounts should not be confused with the American Institute's, Virginia Society's, or other programs designed to meet the external quality control review requirements of *Government Auditing Standards*. Both the purpose of the reviews and the methods used to conduct the reviews differ.

The programs conducted by the American Institute or Virginia Society assess the adequacy of the audit firm's overall system of quality control. They typically include a study and evaluation of the firm's quality controls and a review of selected engagements for compliance with the firm's policies and procedures. The Auditor of Public Accounts' review involves the selection of limited audits specific to local governments and determines adherence to standards rather than adherence to firm policies. Consequently, the findings for the two reviews may differ in content and significance.

## SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS

### CHAPTER 5

#### TREASURER'S TURNOVER AUDITS

For any questions related to audit procedures at this section, please contact Laurie Hicks, APA Audit Director—Local Government and Judicial Systems; 804-225-3350; [laurie.hicks@apa.virginia.gov](mailto:laurie.hicks@apa.virginia.gov).

##### **5-1    General**

This chapter provides background information and required audit procedures for treasurer turnover audits. Turnover audits are conducted whenever a treasurer leaves office. The purpose of the turnover audit is to establish the outgoing treasurer's accountability at the date he or she leaves office. As used in this chapter, the term "treasurer" also applies to directors of finance or other officials performing the duties of the treasurer.

Before starting the turnover audit, the auditor should become familiar with these audit specifications. The auditor also should thoroughly review the local government's most recent audit report to determine the overall scope of the treasurer's responsibilities.

Section 58.1-3136 of the Code of Virginia requires that a turnover audit be performed upon the death, resignation, removal, retirement or other termination of a county or city treasurer. The turnover audit must include all funds handled by the treasurer, although different auditors typically audit state and local funds as described below.

The Code of Virginia requires the Auditor of Public Accounts to audit state funds held by the treasurer whenever a treasurer leaves office. Accordingly, local governments should notify the Auditor of Public Accounts as soon as they become aware of the turnover. The local government hires an independent certified public accountant to audit local and other funds held by the treasurer. Other funds consist of funds for which the treasurer acts as fiscal agent or custodian that are not part of the local government.

Section 58.1-3136 of the Code of Virginia requires turnover audits performed by independent certified public accountants to be performed in accordance with the specifications of the Auditor of Public Accounts. The Auditor of Public Accounts' specifications for turnover audits are contained within this chapter.

The purpose of the turnover audit is to determine the outgoing treasurer's accountability for assets and to turn over the assets to the new treasurer. The outgoing treasurer is personally responsible for any shortages in funds over which he or she is accountable. Once the assets have been turned over, the new treasurer becomes liable for any and all assets.

Before a treasurer leaves office he must turn over all books and records pertaining to his office to the incoming treasurer. (In case of the treasurer's death, the individual representing the deceased treasurer's estate assumes this duty.) Section 58.1-3138 of the Code of Virginia requires the incoming treasurer to issue a receipt for the records received. The turnover schedules described in this chapter constitute this receipt.

The receipts provide a permanent record of all assets and liabilities turned over to the incoming treasurer. Both the outgoing and incoming treasurers must sign the receipts. The outgoing treasurer's signature relieves them of responsibility for the assets listed. The incoming treasurer's signature indicates his or her assumption of the liability for the assets being turned over to them.

The outgoing treasurer brings this accounting to the circuit court. The clerk of the circuit court publishes a notice of final discharge in accordance with § 58.1-3145 of the Code of Virginia. After the final notice is published, the court enters an order discharging the outgoing treasurer from all liability. The incoming treasurer is then responsible for the assets turned over to him, including the collection of unpaid taxes.

The local government is responsible for hiring an independent certified public accountant to audit local and other funds held by the treasurer. Local governments often employ the auditor responsible for the financial statement audit to conduct the turnover audit. However, they may contract with other auditors.

## **5-2     Statutory Authority for Turnover Audits**

### **Code of Virginia**

#### **§ 58.1-3136. Audits of treasurers upon termination of office.**

Notwithstanding any other provision of law, upon the death, resignation, removal, retirement or other termination of a treasurer, an audit of all accounts of his office pertaining to state funds shall be performed by the Auditor of Public Accounts at no cost to the county or city. An audit of all such accounts pertaining to local and other funds shall be performed by the Auditor

of Public Accounts or an independent certified public accountant, at the option of the local governing body, and the cost thereof shall be paid by such governing body. Audits not performed by the Auditor of Public Accounts shall be performed according to his specifications and a copy of the audit report shall be filed with the Auditor for his approval.

**§ 58.1-3138. Delivery of books, tax tickets, and other materials to successor treasurer or court clerk.**

Whenever a vacancy in the office of treasurer is filled by appointment, the court or judge making the appointment shall, at the time the appointment is made, if the vacancy exists by reason of the death, resignation or removal from office of the treasurer, order such treasurer or his personal representative, as the case may be, to deliver all books and papers in his possession as treasurer, including all tax tickets for taxes and levies for the current year for which he has not accounted and paid into the treasury, to the officer so appointed. The appointed officer shall prepare and issue a receipt to such treasurer or his personal representative for the material received. When no appointment is made or the officer appointed fails to qualify, the court shall order the deposit of such materials to be made with the clerk of the circuit court, who shall give a receipt therefore and hold such materials subject to the order of the court.

When the term of office of a treasurer expires by limitation he shall deliver forthwith to his successor in office all the books and papers in his possession, including all tax tickets for taxes and levies for the current year for which he has not accounted and paid into the treasury, and take a receipt therefore. The receipt so furnished to any treasurer or his representative shall be allowed as a credit for the amount thereof in the settlement of his account and the amount of tax tickets and levies covered by such receipt shall be charged against his successor in office.

**§ 58.1-3145. How treasurer may secure final discharge from liability.**

Any treasurer or, if he has died, his personal representative, at any time after the expiration of his term shall produce before the circuit court of the county or city of which he is treasurer the respective certificates of the Comptroller, of the governing body of such county or city and of the school board of such county or city. These certificates shall show the final settlement of his account as treasurer and the proper accounting for and turning over of all the moneys or other property, including the tax tickets for the current year, that had or should have come into his hands as such treasurer during the term and the receipt of his successor in office, provided for in § 58.1-3138. The court shall then enter an order requiring the clerk of the court

to publish, once a week, for four successive weeks, in some newspaper to be designated in the order and by posting at the front door of the courthouse of the county or city, a notice that such treasurer will, on the day to be named in the order, move the court to enter an order of final discharge to such treasurer. These provisions shall not apply to treasurers who retain their office at the end of the term.

### 5-3 **Attestation Standards and Examination Contract**

**Requirement:** Auditors must perform the treasurer turnover audit in accordance with the Statements on Standards for Attestation Engagements (SSAE) issued by the AICPA (clarified AT-C sections) and the Specifications for Treasurer's Turnover Audits issued by the Auditor of Public Accounts.

For the attest engagement, the Auditor must examine the Treasurer's final settlement schedules. These schedules, included in the turnover examination report, are designed to demonstrate the treasurer's accountability at the turnover date and to provide a detailed listing of assets turned over to the incoming treasurer. Because of this special purpose, the settlement schedules are not intended to be a presentation in conformity with generally accepted accounting principles. The settlement schedules are prepared on the cash basis of accounting. The Code of Virginia prescribes the cash basis of accounting for treasurers in their capacity as custodian of local and state funds.

Turnover examinations must be conducted in accordance with the clarified Statements on Standards for Attestation Engagements (SSAE) issued by the AICPA and the requirements set forth in this chapter. The required procedures contained in this chapter do not constitute an examination in accordance with attestation standards (AT-C Section 205- *Examination Engagements*). Consequently, the auditor must perform such additional procedures, as he deems necessary to satisfy those standards. In addition, the auditor must perform any additional procedures required by the audit contract.

Auditors should obtain a mutual understanding about the objectives and subject matter of the examination with the local government. The examination contract should incorporate any additional local government expectations.

**5-4 Working Papers**

Turnover audits are subject to the quality control reviews described in Chapter 4 of the *Specifications for Audits of Counties, Cities, and Towns*. Auditors must make their working papers available for review by the Auditor of Public Accounts upon request.

**5-5 Receipt of Office Assets and Cut-Off Procedures**

**General Information:** The auditor should make an attempt to be present on the turnover date to receipt the treasurer's assets and to ensure that a proper cutoff is achieved. An accurate cutoff is necessary to determine the outgoing treasurer's accountability at the turnover date. The outgoing treasurer should prepare deposit slips covering cash on hand to be deposited in the bank the next business day.

The treasurer is responsible for notifying the banks and other financial institutions of the turnover. The outgoing treasurer should not be permitted to sign any checks after the turnover date. As a result, it is especially important that the incoming treasurer notify the banks of the change in authorized check signers.

**Required Audit Procedures:** Verify that the treasurer has notified the banks of the turnover and change in authorized check signers.

The auditor must assure that a proper cutoff of deposits, cash disbursements (checks), and revenues has occurred as of the close of business on the outgoing treasurer's turnover date.

The auditor must be present in the treasurer's office at, or promptly following, the turnover date to receipt all office assets. The auditor must count and schedule all cash, certificates of deposit, investments, dog tags, other tags and decals, county motor vehicle licenses, state jury warrants, paid warrants, bonds and coupons, and other assets of the treasurer (exclusive of uncollected taxes tested below). The outgoing treasurer, or his authorized representative, should be present at the time and must sign the auditor's count sheets thereby certifying to the accuracy of the count of cash and other assets.

The auditor shall obtain a listing of all banks and other financial institutions used by the outgoing treasurer. The auditor must reconcile, or test the treasurer's reconciliation, of all bank accounts used by the treasurer. The auditor also must confirm all bank accounts used by the treasurer.

The auditor should obtain the listings of unpaid taxes. In the event detailed listings of unpaid taxes are not available, the auditor may need to refer to the tax assessment books. The auditor must determine the balance of uncollected taxes.

The auditor must review or prepare the reconciliation of the detailed listing of unpaid taxes or the totals per the assessment book to the appropriate general ledger accounts. After an accurate balance is obtained, the auditor must schedule unpaid taxes by category. The outgoing treasurer, or his authorized representative, must sign the auditor's count sheets thereby certifying to the balance of unpaid taxes.

**General Information:** The Auditor of Public Accounts examines the state funds handled by the treasurer. The Auditor of Public Accounts will prepare the necessary schedule and provide it for the local auditor to include in the bound report.

#### 5-6 **Uncollected Taxes**

**General Information:**

Property taxes are the largest source of revenues in most local governments. Property taxes typically consist of real estate taxes, personal property taxes, machinery and tools taxes, merchants' capital taxes, and mobile homes taxes. They also consist of real estate and personal property taxes on public service corporations.

The commissioner of the revenue maintains the original assessment books showing the value of property. The commissioner forwards copies of the assessment books to the treasurer who records the levy in the local government's books and mails the tax bills. The treasurer typically collects the taxes and maintains the subsidiary listings for taxes receivable.

Taxes receivable consist of both current and delinquent taxes. Delinquent personal property taxes typically remain on the books for five years. Delinquent real estate taxes remain on the books for twenty years or until the property is sold for back taxes.

The auditor is not required to test state taxes receivable. The Auditor of Public Accounts audits state funds handled by the treasurer and prepares the necessary schedules. At the completion of the audit, the Auditor of Public Accounts provides the schedules to the local auditor for inclusion in the bound report.



**5-7 Completion of the Examination**

**Requirements:** The auditor must obtain or prepare turnover schedules and receipts of assets as described in section 5-8. If the treasurer prepares the turnover documents, the auditor must verify the accuracy of the schedules and receipts by agreeing them to appropriate documentation. The auditor must obtain the signature of the incoming and outgoing treasurers acknowledging their acceptance of the accuracy of the balances transferred between them on the turnover documents. A notary must witness the treasurers' signatures. The auditor should distribute a copy of the turnover schedules and receipts to each of the treasurers. The auditor should also prepare a copy of the turnover schedules and receipts for inclusion in the turnover examination report.

The auditor shall obtain from the Auditor of Public Accounts the turnover Audit Report that includes the Turnover Receipts of Assets from Outgoing Treasurer to Incoming Treasurer for inclusion in the turnover report.

**5-8 Contents of the Turnover Report**

The county or city treasurer's turnover report should contain the examination report, the treasurer's schedule of assets and liabilities, and the turnover receipts. The examination report with turnover documents must be submitted to the Auditor of Public Accounts.

Sample formats for the examination report and turnover schedules are available on the Auditor of Public Accounts website at the Local Government Annual Guidelines, Manuals, and Other Procedural Documents page, under "Sample Treasurer Turnover Report and Schedules," [http://www.apa.virginia.gov/APA\\_Reports/guidelines.aspx](http://www.apa.virginia.gov/APA_Reports/guidelines.aspx)

Other formats are acceptable to this Office if they contain all of the relevant information.

The outgoing treasurer is responsible for the final turnover schedules. However, some local governments prefer to have their auditors prepare the required schedules. When contracting for audit services, the contract documents should specify whether the auditor will prepare the required schedules or simply report on them. Regardless of who prepares the schedules, the outgoing and incoming treasurers must sign the turnover receipt documents and a notary must witness the signatures. If the outgoing treasurer has died, the turnover documents should be signed by the treasurer's representative in accordance with § 58.1-3138 of the Code of Virginia.

**Examination Report:** The accountant's examination report expresses an opinion on whether the turnover schedule and receipts of assets are presented fairly, in all material respects based on the subject matter evaluated during the examination.

**Turnover Schedule:** The Schedule of the Treasurer's Assets and Liabilities represents a summary of cash, other asset, and liability balances held by the treasurer at the turnover date.

**Turnover Receipts of Assets:** The turnover receipts of assets provide a detailed listing of the treasurer's assets being turned over to the incoming treasurer. There are several different turnover receipts as listed below. The outgoing and incoming treasurers must sign each applicable receipt, and a notary must witness these signatures.

**Required Turnover Receipts of Assets**

- Turnover Receipt of Cash and Cash Items on Hand from Outgoing Treasurer to Incoming Treasurer
- Turnover Receipt of Cash on Deposit from Outgoing Treasurer to Incoming Treasurer
- Turnover Receipt of Cash Equivalents and Investments from Outgoing Treasurer to Incoming Treasurer
- Turnover Receipt of Uncollected Real Estate Taxes from Outgoing Treasurer to Incoming Treasurer
- Turnover Receipt of Uncollected Personal Property Taxes from Outgoing Treasurer to Incoming Treasurer
- Turnover Receipt of Uncollected Public Service Taxes from Outgoing Treasurer to Incoming Treasurer
- Turnover Receipt of Uncollected State Taxes from Outgoing Treasurer to Incoming Treasurer (*The Auditor of Public Accounts provides this Schedule*)
- Turnover Receipt of Other Assets from Outgoing Treasurer to Incoming Treasurer
- Turnover Receipt of Unused Receipt Books from Outgoing Treasurer to Incoming Treasurer
- Turnover Receipt of Unsold Dog License Tags from Outgoing Treasurer to Incoming Treasurer
- Turnover Receipt of Unsold Vehicle License Decals from Outgoing Treasurer to Incoming Treasurer

## 5-9 **Reporting**

The auditor should follow the clarified Statements on Standards for Attestation Engagements (SSAE) issued by the AICPA.

Attestation standards require the auditor to render an opinion on the specified subject matter. For treasurer turnover engagements, the subject matter is the Schedule of the Treasurer's Assets and Liabilities and the Turnover Receipts of Assets. In rendering this opinion, the auditor must determine whether the schedule and related turnover receipts present fairly, the treasurer's assets turned over to the incoming treasurer on the cash basis of accounting at the turnover date. The accountant's examination report must also reference these specifications.

Additionally, the accountant's report should include a reference to the work of other auditors. As previously discussed, the Auditor of Public Accounts examines the Commonwealth funds held by the treasurer and issues a schedule of accountability. The auditor must include this schedule in the turnover report.

In the event the examination discloses fraud or illegal acts, the auditor must follow applicable GAGAS attestation standards for reporting on such instances in the auditor's examination report relevant information about:

- fraud
- noncompliance with provisions of laws or regulations and provisions of contracts or grant agreements that have a material effect on the subject matter or an assertion on the subject matter and any other instances that warrant the attention of those charged with governance
- abuse that is material to the subject matter or an assertion on the subject matter, either quantitatively or qualitatively

In the event the examination discloses fraud or illegal acts involving circumstances that suggest a reasonable possibility that a fraudulent transaction has occurred involving funds or property under the constitutional officer's control and a constitutional officer or employee of the local government may be involved, the auditor must advise the local government officials to report the fraudulent transactions to the Auditor of Public Accounts, the State Inspector General, and the Superintendent of the Department of State Police in accordance with Section 30-138 of the Code of Virginia.

One copy of the turnover report package must be submitted to the Auditor of Public Accounts as soon as practical after the audit is complete.

## SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS

### CHAPTER 6

#### AUDIT OF CIRCUIT COURT CLERKS

The following steps should only be performed if the firm has been engaged to complete the fiscal year audit of the locality's Circuit Court Clerk pursuant to Section 15.2-2511 of the Code of Virginia.

[For any questions related to audit procedures at this section, please contact Laurie Hicks, APA Audit Director—Local Government and Judicial Systems; 804-225-3350; laurie.hicks@apa.virginia.gov.](#)

##### **Audit Procedures: General Environment**

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- 6-2 [Conflict of Interests](#)

##### **Audit Procedures: Financial Module**

- 6-3 [General Ledger Review and Fluctuation Analysis](#)
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##### **Audit Procedures: Cases/Instruments Module**

- 6-11 [Civil](#)
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### **General Environment**

*The circuit court is the trial court with the broadest powers in Virginia. The circuit court handles all civil cases with claims of more than \$25,000. It shares authority with the general district court to hear matters involving claims between \$4,500 and \$25,000. The circuit court has the authority to hear serious criminal cases called felonies.*

*The circuit court also handles family matters, including divorce. In addition, the circuit court hears cases appealed from the general district court and from the juvenile and domestic relations district court.*

*As the court of record, the Circuit Court is responsible for filing documents that require formal recording by law. Thus, Circuit Courts in Virginia process and file marriage licenses, deeds, wills, corporate charters, and various other documents.*

*The Circuit Court Clerk is a constitutional official elected by the public for a term of eight years. (Section 24.2-217 of the Code of Virginia) The Clerk is responsible for the court's administrative matters and acts as custodian of the court's records. The Clerk also has the authority to probate wills, grant administration of estates, and appoint guardians. The duties and responsibilities of the clerk are outlined in Chapter 2, Article 2 of Title 17, Code of Virginia (1950), as amended.*

Manuals Available through Office of the Executive Secretary Supreme Court of Virginia;

- Circuit Court Financial Accounting System (FAS) User's Guide
- Circuit Court Case Management System (CCMS) User's Guide
- Deed Manual
- Probate Manual
- Miscellaneous Manual
- Criminal Manual
- Civil Manual
- Court Appointed Counsel Guidelines and Procedures Manual
- Chart of Allowances (allowable payments for services rendered)

Manuals are available at the Clerk's office or through the Supreme Court of Virginia website

<http://www.courts.state.va.us/legal.html>

Individual Reports noted at audit steps are available from the Clerk in either hardcopy or electronic format.

**REQUIRED AUDIT PROCEDURE:**

All audit procedures are required to be addressed without regard to materiality or assessment of acceptable risk. Sample sizes, when not specified, are to be determined based on the auditor's evaluation of the internal controls in place, volume of activity, dollar amount and considering any prior period audit recommendations.

**6-1 Planning**

Develop an understanding of the Internal Control procedures as they relate to all daily, weekly and monthly required financial procedures. Clerks of Court are responsible for having sufficient controls and procedures in place to satisfy statutory requirements and prevent fraud, misuse, or loss of funds and assets. Evaluate the efficacy of these controls within the operation of the office through discussion with management and review of applicable system manuals, to include but not limited to, the Financial Accounting Manual (provided by the Clerk) and local guidelines.

Note: Reports referenced throughout Step 6 are specific to the financial accounting system provided by the Office of the Executive Secretary, Supreme Court of Virginia (OES). If the Clerk is using a private vendor system for the financial accounting system and/or casement management system, the Auditor must discuss with the Clerk what procedures they have in place to achieve the same purpose as the OES reports and then develop compensating tests to meet specification requirements. Review the General Ledger Report (BR29) for the audit end date for unusual account codes, activity or negative ending balances. Determine the need for any additional analytical reviews.

Determine any reported findings from the last audit through review of the APA report located at [http://www.apa.virginia.gov/APA\\_Reports/Reports.aspx](http://www.apa.virginia.gov/APA_Reports/Reports.aspx) or from other prior auditors. Plan appropriate follow up testwork.

Obtain from the Clerk any applicable locality ordinances enacted that authorize the Clerk to collect local fees as follows:

- Recordation taxes
- Probate taxes
- Probate List of Heirs/Real Estate Affidavit without Probate
- Adoption of State Traffic Laws, FAS Acct 201 and applicable town acct codes
- Criminal & Civil Costs
  - Courthouse Maintenance, FAS Acct 229

- Law Library, FAS Acct 219
- Courthouse Security, FAS Acct 244
- Jail Admission Fee, FAS Acct 234
- Courthouse Construction, FAS Acct 228
- Local Justice Training Academy, FAS Acct 243
- E-Summons, FAS Acct 241 and applicable town acct codes

## 6-2 **Conflicts of Interest**

The State and Local Government Conflict of Interests Act is contained in Chapter 31 of Title 2.2 of the Code of Virginia (§2.2-3100 et. seq.). The Act is designed to assure that the judgment of public employees is not compromised or affected by inappropriate conflicts. The Act prohibits local government officers or employees from participating in certain transactions in which they or their family members have a material financial interest. The Act absolutely prohibits other activities such as accepting bribes.

**Constitutional Officers** are required to file the State and Local Statement of Economic Interests per §2.2-3114 and §2.2-3116 of the Code of Virginia, and in accordance with the Governor's Executive Order 33.

Since constitutional officers are considered as part of the “state officers and employees” category for the annual required filings, constitutional officers must file their required disclosure form directly with the state’s Council. Auditors can retrieve copies of the constitutional officers’ electronic filing forms directly from the Council’s Conflict of Interest Searchable Database, by searching on the officer’s first and last name or searching generally on “constitutional officer” in the Agency/Board/Commission database field. For further information, auditors should refer to the Council’s website, under Public Information: <http://ethics.dls.virginia.gov/public-information.asp>

The Auditor should consider the following information when reviewing conflicts of interest:

- The filer may have filed with a different locality or State Agency for another position—the auditor can review the COIA database (for state agency filings) or make inquiries as the auditor determines necessary. If a local official has already filed with a different locality or state agency for the year, the filer has met the Council’s requirement and is not required to file multiple forms.
- If a filer meets the requirements for filing both the SOEI form and the Financial Disclosure form, the filer is only required to file one form. Filing the SOEI form fulfills

the Financial Disclosure requirement if the person holds more than one position that would require each.

- Departure filings are only required if the position is held through the filing deadline (there is no requirement to file if the person leaves on or before January 31).

For additional resources and guidance on Conflict of Interests, refer to the Council's website under Filing Resources: <http://ethics.dls.virginia.gov/filing-resources.asp>

#### **Required Audit Procedure:**

Obtain and review the annual disclosure form(s) filed by the Circuit Court Clerk (refer to guidance above). Determine completeness and timeliness of the Clerk's filing and that the accurate form was filed according to the type of filer.

**The filing deadline for Calendar Year 2019 filings was February 1, 2020.**

*Note: Any newly hired Clerk is required to file disclosure forms **prior to** assuming office or taking employment.*

#### **Employment Requirement**

In accordance with §2.2-3110B of the Code of Virginia, the employment at the same governmental agency of an officer or employee and a spouse or other relative residing in the same household, who is employed in a direct supervisory or administrative position, or both, and receives an annual salary of \$35,000 or more, creates a material financial interest.

Section 2.2-3101 defines a "governmental agency" as component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

**Required Audit Procedures:** Through inquiry and observation the auditor should determine whether the Clerk has a spouse or other relative residing in the same household, who occupies a direct supervisory and/or administrative position at the same "governmental agency" and receives an annual salary of \$35,000 or more. In such instances, the auditor should verify that the Clerk has disclosed this material financial interest and sought an advisory opinion/legal counsel on whether a conflict may exist in accordance with the Conflict of Interests Act.



## Financial Module: General Information

Clerks use automated systems consisting of multiple modules including case management, financial ~~management~~ accounting, records management and case imaging. These systems may be provided by the Supreme Court of Virginia, private vendors or a combination of both. Case management (CCMS) provides an automated means of recording cases, establishing dockets, and documenting judgments. Financial ~~management~~ accounting provides an automated accounting system (FAS) to record, adjust and report financial transactions. These financial transactions include receipts, journal vouchers, disbursements, and ~~setting up~~ establishing receivable and liability accounts. Records management provides indexing and public access to recorded documents. Imaging software can be used to eliminate paper files. Users Guides for all systems provided by the Supreme Court are available through the Office of the Executive Secretary, Supreme Court of Virginia. Each clerk is responsible for access security to all systems and for all activity of their court to include personal liability for financial loss.

Revenue sources include taxes and fees collected on recorded deeds, fees and taxes on wills and administrations probated, fees for the processing of civil cases, fees for other services provided such as marriage licenses and secure remote access, fines, costs and other miscellaneous collections.

The clerk utilizes the "cash basis" of accounting and records activities in several accounts to include:

- Commonwealth Revenues - Taxes on recordation, fines and costs, probate, etc.
- Local Revenues - Taxes on recordation and probate, fines, fees, etc.
- Fees – collections provided by statute for services performed by the clerk
- Collections for Others - Consist of collections for officers of other localities and other miscellaneous collections.
- Condemnation Funds - Represent amounts paid into the court by the Virginia Department of Transportation or municipalities in settlement of condemnation suits.
- Monies Under the Control of the Court - Represent amounts paid into the court generally as insurance settlements or pursuant to court order to be held for infants, minors or persons under a disability. These funds are held by the Clerk and may be disbursed only upon an order by the court.
- Depository Bonds - Represent amounts paid to the Clerk as surety that an individual will appear for trial, meet certain conditions such as for a marriage celebrant, perfect a civil or criminal appeal or deposit interpleader funds.

- Restitutions - Represent court ordered payments to be accumulated by the Clerk and paid out per Judge's order.
- Unspecified funds - Moneys paid to the Clerk for which there is no supporting documentation (e. g. case paper, court order). In addition, refunds payable are classified as "unspecified funds".
- Non-reverting funds – Fees collected by Clerks for statutory specific use of the court to include Secure Remote Access, Officer of Court Remote Access, fees for copies, recording devices, credit card convenience fees, paper filing, and e-certification.

Circuit Court Clerks are required to manage accounts receivable by establishing individual accounts for all defendants assessed fines, costs and restitution and it is the Commonwealth Attorney's duty to cause proper proceedings to be instituted for the collection and satisfaction of all owed amounts. If the Commonwealth's Attorney does not undertake collection, he shall either:

- contract with private attorneys or collection agencies, or
- enter into an agreement with the local governing body, or
- use collection services of the Department of Taxation, or
- enter into an agreement with the county or city treasurer

If the collection agency collects the payment from the defendants, the agency remits the amount collected less any collection fee to the Clerk. The Clerk must allocate this net amount received to the various fine and cost accounts.

If the Clerk collects the payments from the defendants after the account has been turned over to a collection agency, the Clerk must allocate the payment to the various fines and cost accounts and disburse the collection fee to the appropriate agency.

All unpaid accounts are ~~submitted to the Department of Motor Vehicles for license suspension and each unpaid case must be~~ submitted to the Department of Taxation for Setoff Debt Collection for at least three years.

### **6-3 General Ledger Review and Fluctuation Analysis**

Review the General Ledger Fiscal Year-to-Date Report (BR-29) for the audit end date for unusual account codes, activity or negative ending balances. Determine the need for any additional analytical reviews. Also, determine the propriety of all activity and balances in accounts 402, 995, and 999.

Compare the prior year revenue to the current year revenue and determine propriety of all accounts with variances greater than the auditor's expectations.

Verify the balances of state and local revenues on hand at audit end date were timely disbursed to the State and Local Treasurers. (Sections § 16.1-69.48 (A) and (B) and 17.1-286 of the Code of Virginia)

#### 6-4 **Access Security**

Determine all the automated systems used by the Clerk and ensure the Clerk has developed and maintains adequate control and security over the Court's automated information systems. ~~Consider security~~Verify employee access is appropriate for internal access to systems including financial, case management, imaging, recording and indexing by reviewing the eAccess system or vendor access reports for appropriate access levels. Also, consider security over external access to records using Secure Remote Access (SRA) and Officers of Court Remote Access (OCRA).

Deleting access timely for former employees is a critical internal control. Obtain a list of terminated employees during the audit period and verify their access was deleted from the system timely.

#### 6-5 **Accounts Receivable**

Test the *Interface Reports (IN05 and INJ5)*, specifically the 'Interface Case Not Found' and 'DMV Interface Exceptions' ~~sections~~. Review these report sections for the end of the month in which the audit period ends and determine ~~whether~~ the Clerk is ~~properly monitoring them and~~ taking corrective action to clear all system errors noted. as needed.

Test *Individual Account Status Report (BU06)*, specifically the 'Missed Payments' section~~.~~ For those Clerks without the optional Time to Pay (TTP) default feature, select a sample of cases from report for the end of the month in which the audit period ends and determine if the Clerk is properly monitoring the report and taking corrective action.

Using the *Concluded Cases without FAS Receivable Report (CR32)*, test the guilty cases without corresponding FAS receivable accounts. Select a sample of cases concentrating on cases other than those identified as master or sub-accounts. Review the reason the CCMS case does not have a corresponding receivable account in FAS and determine the propriety. If the Clerk is

using a private vendor system for financial accounting and/or case management, determine how the Clerk verifies all concluded guilty cases have corresponding receivable accounts. Test the Clerk's process for propriety.

Determine that the Clerk is using the Department of Taxation's Integrated Revenue Management System (IRMS) for Setoff Debt Collections by visually verifying. ~~A~~ all certified staff ~~are~~ should be able to log on with an active password. Review the general ledger report (BR29) to verify ~~and there should be is~~ financial activity in FAS Account 405 (TSO Collections). Request the Clerk log into IRMS and provide the ~~IRMS-system generated~~ year-to-date statistical report for the audit period. ~~Determine the propriety of any defaults noted. Note: A default could mean a loss of revenue to both the Commonwealth and locality.~~ If the year-to-date statistical report shows tax set-off defaults for the audit period, determine propriety.

Determine the method of collection for delinquent accounts (Section §19.2-349 of the Code of Virginia). If the Virginia Department of Taxation, Commonwealth's Attorney in-house collection, or local Treasurer is used, no further work is necessary. If a private collection agent is used, perform the following test work:

———Test collection agent weekly remittances. Select a sample of weekly batch reports and determine whether:

a. Collections were receipted to individual accounts within two days of receipt.

———Review the private collection agent contract as follows:

- a. Review the contract between the Commonwealth's Attorney and the private collection agent and determine whether it is current.
- b. Determine whether the Clerk has a copy of the contract on file.
- c. Determine the collection fee percentage. (Should not be higher than 35 %.)
- ~~d.~~ Compare the collection fee percentage from the contract to the percentage listed on the June 30th Collection Ratios Report (BR22). ~~If any unexplained differences are noted, contact the Department of Judicial Services, Supreme Court of Virginia to determine propriety (804-371-2424).~~
- ~~d.~~ Determine if there is a balance in account 412 Collection Agency Fee and if it was allocated in a timely manner. Through discussion and review, determine if the Clerk reverses any of the automated system JVs allocating commission. If so, determine if the methodology is reasonable. ~~Determine if disbursements were made on weekly basis to the private collection agent.~~

Determine whether the Clerk is disbursing accounts 412 Collection Agency Fee and 499 Collection Fee weekly to the private collection agent.

## 6-6 **Banking**

Identify all banks used by the Clerk and determine if they are listed on the most recent qualified depository listing maintained by the Virginia Department of the Treasury pursuant to The Virginia Security for Public Deposits Act (Section § 2.2-1815 of the Code of Virginia). Verify accounts were reported as public thru the SPDA Public Fund Accounts lookup tool on the Virginia Department of the Treasury website at <https://spda.trs.virginia.gov/quarterlysearch.aspx>.

~~Verify the Clerk has reported the bank accounts as public funds using the Virginia Department of Treasury SPDA Public Funds search: <https://spda.trs.virginia.gov/quarterlysearch.aspx>. Select a minimum of two monthly bank statements (one of which should be the audit month end date) for each bank account and determine:~~

- a. The reconciliation is mathematically correct.
- b. The “Adjusted Balance per Bank” and the “System Balance” agree to supporting documentation. (If applicable, manual check register balance also agrees.)
- c. All deposits in transit were deposited timely per the subsequent bank statement.
- d. Reconciling items are appropriate and were resolved timely.
- e. The bank account was reconciled timely.
- f. The reconciliation was reviewed and approved by the Clerk or Clerk designee.

The auditor should review activity and balances in #402 unspecified funds to determine if adjustments have been provided by OES in order to assist the Clerk with reconciling the monthly bank account. Note: The Department of Judicial Services, OES will sometimes provide adjustments to the Clerks who cannot identify and resolve all reconciling items when completing the monthly bank reconciliation. The unresolved items are recorded in #402.

~~Ensure all of the Clerk’s checking accounts are properly reconciled as of the audit end date. Test the reconciliation for accuracy and completeness. Based on the auditor’s evaluation of internal controls in place, the auditor should consider reviewing multiple months throughout the audit period.~~

Perform an un-scheduled cash count of the Clerk’s change fund.

**6-7 Daily Collections and Journal Vouchers**

Select a sample of days to test as follows:

- a. Agree the computed revenue amount per the Cash Reconciliation Worksheet ~~section~~ of the *Daily Report (BR02)* to the deposit per the bank statement noting the deposit was intact and timely. (Section § 17.1-271 of the Code of Virginia)
- b. Verify whether the Clerk and/or other assigned supervisory personnel signed the *Cover Sheet –Daily Report (BR02)*.
- c. For any days with differences between the ~~original amount~~ receipts gross total (line 1 of Cash Reconciliation Worksheet) and the deposit amount, determine if the correcting journal voucher(s) was supported by proper documentation, performed correctly, and properly recorded on step 5 of the Cash Reconciliation Worksheet ~~section of the BR02~~.
- d. If the difference is the result of a voided receipt, ensure all copies of the original receipt were retained.

If the Clerk uses a separate financial accounting system to receipt taxes and fees:

- e. The secondary receipting system receipt totals for the day's collections have been entered into FAS.

Using ~~the all audit period~~ month end journal voucher summary reports (*Journal Voucher Report BR40*), identify all voided receipts and select a sample to select a sample of Voided Receipts and test as follows:

- a. Determine if the journal voucher was supported by proper documentation, performed correctly, and properly recorded on the Cash Reconciliation Worksheet section of the *BR02*.
- b. All copies of the receipt were retained.

Review the *General Ledger Fiscal Year-to-Date Report (BR-29)* for the audit period noting if activity existed in the Account 411 Cash Over/Short. Based on the activity and any trends noted in the account, determine whether selecting a sample of transactions is necessary. If needed, select a sample and test individual transactions for propriety.

**6-8 Non-Reverting Funds**

Determine the Court's non-reverting funds and discuss procurement procedures with Clerk.

Using all audit period month-end *Disbursement Register Reports (BR41)*, select a sample of non-reverting fund disbursements throughout the audit period and test as follows:

- a. Disbursement is in accordance with Section § 17.1-276 of the Code of Virginia.
- b. Disbursement is supported by proper documentation.

The auditor should obtain a list of employees from the Clerk and determine if the Clerk disbursed any non-reverting funds directly to employees as cash bonuses or payroll. Select a sample and test as follows:

- a. Clerk obtained an appropriation from the locality.
- b. Clerk withheld applicable federal, state, social security, and Medicare taxes.

#### **6-9\_ Disbursements**

Using ~~the~~all audit period month-end *Disbursement Register Report (BR41)*, select a sample of disbursements throughout the audit period (excluding non-reverting and trust funds) and test as follows:

- a. The disbursement is coded to the proper account.
- b. The disbursement is supported by proper documentation and appropriate procedures (case papers, transmittal).
- c. If Clerk uses a manual check-writing system, the disbursement was recorded in FAS timely.

Using all audit period month-end *Disbursement Register Reports (BR41)*, select a sample of monthly remittances of sheriff's service fees, account 234, to the local Treasurer and determine if the fees are remitted within the first ten days of the month. (Section § 15.2-1609.3 of the Code of Virginia)

~~Determine the Court's non-reverting funds and review disbursements made from these accounts. Determine propriety in accordance with Section § 17.1-276 of the Code of Virginia.~~

#### **6-10\_ Manual Receipts**

Evaluate the overall security and use of manual receipts to include:

- Determine the adequacy of security over the unused manual receipts.
- Determine the adequacy of supervisory review of manual receipts.

Select a sample of manual receipts and test as follows:

- a. Trace to subsequent entry in FAS and ensure entry agrees to the manual receipt (§ 19.2-360 of the Code of Virginia).

- b. Ensure receipt is entered no later than the next business day.

### Audit Procedures: Cases and Instruments

*Criminal Cases originate in the District Courts and move to the Circuit Court through appeal, certification or through Direct Indictments filed by the Commonwealth Attorney. Upon conviction, all appropriate costs and fines are assessed to the defendant, including applicable to include costs from lower court, ~~if applicable~~. Jurisdictional designations determine the account codes used for fines and attorney costs. All -and all-unpaid amounts are recorded as judgments in favor of the jurisdiction cited.*

*Civil cases appealed from District Courts and cases originating in the Circuit Court must have filing fees and taxes paid before they can be placed on the docket.*

*Clerks are charged with the recording and maintenance of all writings relating to or affecting real estate, all writings relating to or affecting personal property, and instruments affecting liens. Documents relating to land records cannot be recorded until all taxes and fees have been paid based on the type and amount of the document.*

*Clerks of Court are given quasi-judicial powers in matters of probate and in the qualification of fiduciaries. Duties include (but are not limited to) probate, recordation, retention, indexing, and qualification of personal representatives, guardians, conservators and trustees. Each of these duties has specific requirements as well as multiple recordable documents with fees and taxes associated. No documents can be recorded or personal representative qualified until all taxes and fees have been paid.*

#### 6-11\_ Civil

Select a sample of civil cases filed during the audit period and, using the FAS manual Appendix C, Civil Actions section for reference, test as follows: -determine wh

- a. State taxes and fees were properly assessed and collected as required by Sections §58.1-1727 through 1729 of the Code of Virginia.
- b. Clerk's fees were properly assessed and collected as required by Sections §17.1-275A.13 and 13a of the Code of Virginia.
- c. Specific fund and local fees were properly assessed and collected.
  - Sheriff Services fee - FAS Acct 206 (§17.1-272)
  - Legal Aid Services fee - FAS Acct 123 (§17.1-278)



- Law Library fee - FAS Acct 219 (§42.1-70 and local ordinance)
- Court House Maintenance fee - FAS Acct 229 (§17.1-281; §17.1-275B and local ordinances)
- Technology Trust Fund - FAS Acct 106 (§17.1-279)
- Court Technology Fund - FAS Acct 170 (§17.1-132)

NOTE: An exemption may exist for paying the above taxes and fees as allowed by Section §17.1-606 of the Code of Virginia.

#### 6-12\_ Criminal

Obtain concluded criminal caseload statistics from the Clerk for the audit period and select a sample from throughout the audit period of criminal cases with guilty findings and test as follows:

<u>Criminal Cases Concluded</u>	<u>Number of Cases to Test</u>
<u>1 – 1,000</u>	<u>20</u>
<u>1,001 – 4,999</u>	<u>25</u>
<u>Greater than 5,000</u>	<u>30</u>

Auditor should consider increasing the number of cases tested if exceptions are noted.

Using the FAS Manual, Appendix C, Criminal Costs section for reference, test as follows:

Verify proper assessment and entry into FAS of:

- Fines or Civil Penalty
- Appropriate Circuit Court Fixed Fee
- Court-appointed/public defender fee
- Additional Circuit Court Commonwealth Costs, as applicable
  - Boating Education Civil Penalty
  - DUI Convictions
  - Ignition Interlock Device
  - Trauma Center Fund
  - Felony Drug Offender Fee
  - Jury
  - Internet Crimes Against Children
  - Extradition
  - Methamphetamine Cleanup Fund

- DNA
- Psychiatric Evaluation Costs
- e. Additional Locality Costs, as applicable
  - Courthouse Security
  - Jail Admission Fee
  - E-Summons
  - Local Justice Training Academy
  - Courthouse Construction Fee
  - DNA
- f. Restitution
- g. Certified lower court costs
- h. For cases not paid in full, unpaid amounts were entered into the Judgment Docket. (Section §8.01-446 of the Code of Virginia)
- i. For cases paid in full, a satisfied judgment was entered into the Judgment Docket. (Section § 8.01-446 of the Code of Virginia)

If time to pay is granted,

- j. DC-210 establishing due date was completed and signed by defendant.
- k. For a deferred payment plan, due date was properly entered in FAS. (Section § 19.2-354 of the Code of Virginia)
- l. For a partial payment plan, all applicable fields were properly completed in FAS (e.g. TTP Start, Term, Amount, and Incarcerated status).

Obtain all audit period Court Appointed/Public Defender Reports (CR42) and select a sample of local cases from throughout the audit period and -test as follows:

- a. Fine was properly assessed and entered into FAS. (Section § 19.2-340 of the Code of the Virginia)
- b. The court-appointed/public defender fee was properly assessed and entered into FAS.
- c. The locality was billed for the public defender fee or paid the court-appointed attorney DC-40 invoice. (Section § 19.2-163 of the Code of Virginia)

Obtain a listing of all criminal juries commenced in the audit period (Clerks with CCMS can run a search for criminal cases with type 'jury' and impaneled 'Y') and select a sample of those with guilty disposition. Verify defendant was appropriately assessed jury costs, acct 181.

~~Select a sample of criminal cases concluded with dispositions of guilty during the audit period and test each case as follows:~~

- ~~A.—Fines and costs were properly assessed and entered into FAS.~~
- ~~B.—For cases not paid in full, unpaid amounts were entered into the Judgment Docket.  
(Section §8.01-446 of the Code of Virginia)~~
- ~~C.—For cases paid in full, a satisfied judgment was entered into the Judgment Docket.  
(Section § 8.01-446 of the Code of Virginia)~~
- ~~D.—The due date was properly calculated. (Section § 19.2-354 of the Code of Virginia)~~
- ~~E.—If a partial payment plan was set up, all applicable fields were properly completed in FAS  
(e.g. TTP Start, Term, Amount, and Incarcerated status).~~

~~Select a sample of local cases from the Court Appointed/Public Defender Report (CR42) and test as follows:~~

- ~~A.—Locality was billed for the cost (Section § 19.2-163 of the Code of Virginia)~~
- ~~B.—Defendant was properly assessed for the Attorney fees.~~
- ~~C.—Fine was properly assessed. (Section § 19.2-340 of the Code of the Virginia)~~

### 6-13 **Deeds / Land Records**

Select a sample of deeds / land records recorded during the audit period and, using the deed calculator, test as follows. See deed calculator at the following link:  
<http://www.courts.state.va.us/online/home.html>

- a. State taxes have been properly assessed and collected based on the greater of the assessed value or the consideration paid for the property conveyed. (Section 58.1-801 et.al., Code of Virginia)
- b. Local taxes ~~(where applicable)~~ have been properly assessed and collected in an amount equal to one-third of the amount of state recordation tax. (Section 58.1-814, Code of Virginia and locality ordinance).
- c. Additional tax has been properly assessed and collected on deeds of conveyance based on the greater of the assessed value or the consideration paid. (Section 58.1-802, Code of Virginia).
- d. Clerk's fees for recording, indexing, and plat fees were properly charged and collected (Section 17.1-275A (2), Code of Virginia).
- e. Fees for transferring land were properly assessed and collected (Section 58.1-3314(3), Code of Virginia).

If the Clerk uses a separate financial system to receipt taxes and fees on Deeds:

- f. ~~Determine whether the assessment was properly reported in the Financial Accounting System (FAS). The secondary receipting system receipt totals for the day's deed collections were entered into FAS.~~

#### 6-14 **Wills and Administrations**

Select a sample of wills / administrations recorded during the audit period and, using the FAS Manual Appendix C, Probate – Wills and Administration section for reference, test as follows:

- a. State tax was assessed and collected based on the value of the estate as recorded on the confidential Probate Tax Return. (Section 58.1-1712, Code of Virginia)
- b. Local tax ~~(where applicable)~~ was assessed and collected based on the value of the estate as recorded on the confidential Probate Tax Return. (Section 58.1-1718, Code of Virginia and locality ordinance)
- c. Clerk's fees were assessed and collected for recording and indexing in the Will Book based on the number of pages recorded (Section 17.1-275A (2), Code of Virginia)
- d. Clerk's fees were assessed and collected for appointing and qualifying any personal representative, committee or other fiduciary (Section 17.1-275A (3), Code of Virginia). Note: No one shall be permitted to qualify and act as an executor or administrator until the tax imposed by Section 58.1-1712 has been paid (Section 58.1-1715). Ensure that fees were receipted at the time of qualification, not after
- e. Fees for transferring land were assessed and collected (section 58.1-3314(3), Code of Virginia).
- f. Additional tax was properly calculated, billed, and receipted on final inventories (Section 58.1-1717, Code of Virginia. – See Code of Virginia– Section 58.1-1717

If the Clerk uses a separate financial system to receipt taxes and fees on wills:

- g. ~~Determine whether the assessment was properly recorded in FAS~~ The secondary receipting system receipt totals for the day's probate collections were entered into FAS.

#### **Audit Procedures: Liabilities/Trust Funds**

*In addition to the collection of fines, costs, fees, taxes and the funds held as bonds in criminal and civil cases, the Clerk is responsible for other funds since the Circuit Court has jurisdiction over all equity matters. These include, but are not limited to, divorce cases, disputes concerning wills and estates, and controversies involving property. The remedy sought in these actions involves the right to recover damages, usually in monetary terms. Thus, the Clerk of Court is responsible for holding funds for other parties both temporarily and long term. For funds*

*deposited with the Clerk as Trust Fund Administrator or General Receiver, to be held under the control of the court pursuant to Va. Code §8.01-582 or 8.01-600, the Clerk must invest, disburse, account for and otherwise properly manage the funds as they represent a personal liability to the Clerk. The Clerk must hold funds as directed by court order and escheat all funds that become unclaimed.*

## 6-15 Liabilities

~~Determine if the balances of state and local revenues on hand at audit end date were properly disbursed to the State and Local Treasurers. (Sections § 16.1-69.48 (A) and (B) and 17.1-286 of the Code of Virginia)~~

Using the audit period end date *Liabilities Index (BR008)* report, select a sample from each 5XX series (excluding those with future court dates and Account 511 Trust Funds). ~~Determine the status of the account and whether the Clerk is justified holding the funds based on approved court orders, established retention requirements, pending case (future court date assigned) or other special circumstances.~~

### 5XX Series

- FAS 501 → Collections for Others
- FAS 502 → Criminal Bonds (Section §19.2-143 of the Code of Virginia. Does not require a court order to disburse)
- FAS 503 → Civil Bonds
- FAS 509 → Escrow
- FAS 515 → Refunds
- FAS 517 → Condemnation Funds (Clerk is not obligated to escheat these funds if held over one year)
- FAS 518 → Fiduciary
- ~~FAS 520 → Restitution Payables~~
- FAS 521/522 → Chancery/Law Deposits
- ~~FAS 523 → Garnishments~~

A. Determine the status of the account and whether the Clerk is justified in holding the funds based on approved court orders, established retention requirements, or other special circumstances (Note: If the case is ended and the funds have been held over one year or have not been disbursed per court order, the Clerk is not justified in holding the funds.)

- B. ~~For any of the above funds the Clerk has~~ If the funds are court ordered to be invested or the Clerk has elected to invest the funds, select a sample of these accounts for the audit period end date; trace and agree the FAS account balance to the applicable bank statement.

~~Using~~ Obtain the audit period end date *Individual Account Status Report (BU06)* ~~and~~, investigate the reason for any accounts listed as appeals, credit balances, sum uncertain restitution, or accounts under review and ~~—Determine whether the Clerk is properly monitoring the report and~~ taking corrective action as needed. For appealed cases listed, ensure the Judge ordered the costs stayed during the appeal.

~~Review three monthly remittances of sheriff's fees to the local Treasurer and determine if the fees are remitted within the first ten days of the month. (Section § 15.2-1609.3 of the Code of Virginia)~~

~~Using~~ Obtain the audit period June 30th *Property Unclaimed Over One Year Report (BR16)* and the Clerk's ~~corresponding~~ Unclaimed Property Report submitted to the Division of Unclaimed Property. Compare the reports and select those accounts and outstanding disbursements listed (excluding restitution – disb code 'R') on the BR16 that were not escheated. ~~—select those accounts from the BR16, which were not reported to the Division of Unclaimed Property.~~ NOTE: ~~Failure to report unclaimed property in accordance with the Code may subject the Clerk to an interest penalty (Section §55-210.26:1 of the Code of Virginia,).~~ Determine whether the Clerk is justified in holding not escheating these accounts based on court order, established retention requirements, pending case (future court date assigned) or other special circumstances.

~~Using~~ Obtain the June 30th *Property Unclaimed Over One Year Report (BR16)* ~~and the Clerk's Unclaimed Restitution Report~~ submitted to the Victim Witness Fund. Compare the reports and select those outstanding restitution disbursements on the BR16 that were not escheated. Determine if they were appropriately re-issued to the victim.

Obtain the June 30th Liabilities Index (BR08) and the Clerk's Unclaimed Restitution Report submitted to the Victim Witness Fund. Compare the restitution accounts (account 517) with balances listed on the BR08 report to the Unclaimed Restitution Report and select a sample of those not escheated. Determine if the funds were appropriately disbursed. (Note: If they were not disbursed and funds have been held over one year, the Clerk is not justified in holding the funds.)

~~), the Liabilities Index (BR08) and Individual Account Status (BU06) reports and the Clerk's corresponding Unclaimed Restitution Report, determine that all appropriate restitution accounts have been properly escheated to the Criminal Injuries Compensation Fund (Section §19.2-305.1 (F) of the Code of Virginia).~~

## 6-16 **Trust Funds**

**Note: Step is not applicable if the Court appointed a General Receiver who is not the Clerk.**

Determine the following for the Trust Fund Annual Report filed during the audit period:

- a. Ensure Annual Report is available to the public via hardcopy Trust Fund Order Book or digital format. (Sections §8.01-600(G) and §17.1-125 of the Code of Virginia).
- b. Determine the Clerk filed the Annual Report with the Chief Judge by the Oct 1st deadline (Section §8.01-600 (G) of the Code of Virginia).
- c. Agree the Annual Report balance to the FAS 9XX accounts where the funds are recorded and Account 511 Trust Funds balance. Investigate any negative ending balances in any of the 9XX series accounts.
- d. Agree the Annual Report ending balance to applicable bank statement balance(s). If this does not agree, then select a sample of individual accounts from the Annual Report and agree the system balance to the bank balance.
- e. Determine whether the Annual Report conforms to Section §8.01-600 (G) of the Code of Virginia.
- f. Determine propriety of inactivity in individual accounts – i.e. a lack of interest postings.
- f.g. For accounts with past due expected disbursement dates, determine if the Clerk is justified in holding the funds. (Note: The clerk is not justified in holding the funds if a court order has been entered to disburse or the funds have been unclaimed over one year since infant turned 18).

Using the Annual Report, ~~perform the following testwork.~~

Select a sample of new accounts and test as follows: ~~Determine whether:~~

~~The receipt contained all pertinent information.~~ The receipt amount agreed to the court order.

- a. The court order is included in the Order Book (hardcopy or ~~electronied~~digital) and does not contain confidential information
- b. Appropriate Clerks fees were deducted.
- c. Funds were invested within 60 days of receipt (Section §8.01-600 (F) of the Code of Virginia).

- d. ~~The Clerk is justified in holding the account and if the~~The account is being held pursuant to Section §8.01-600 of the Code of Virginia.

Select a sample of ~~interest posting journal vouchers. Determine whether~~individual accounts and using the detailed individual account section of the BR30, test as follows:

- ~~f. The journal voucher was supported by proper documentation (bank statement, interest notification or other official bank documentation).~~
- ~~A. Interest was posted promptly.~~
- ~~g.f.~~ The correct amount of interest, per the bank statement, was posted to the account.  
(If the Clerk consolidates funds, re-calculate the interest allocation.)
- ~~h.g. If the Clerk assesses Clerk's fees, appropriate fees were deducted~~Interest was posted promptly.
- ~~i.h. The Clerk is justified in holding the account and if the account is being held pursuant to Section §8.01-600 of the Code of Virginia~~If the Clerk collects 5% of interest as Clerk's fees, the 5% was calculated correctly.

~~Select a sample of disbursements. Determine whether~~Using the detailed individual account section of the BR30, select a sample of those accounts disbursed during the audit period and test as follows:

- a. The disbursement agrees to the court Order
- b. The check was posted to the proper subsidiary trust fund account
- c. Appropriate Clerk's fees were deducted
- d. Deducted fees agree to the journal voucher or disbursement recording the deduction
- e. Funds were paid out within 60 days of the court order (Section §8.01-600(F) of the Code of Virginia).

~~Disbursement was recorded promptly in FAS.~~

NOTE: If the Court has ordered a financial institution to act as the General Receiver since last audit, notify the Local Government and Judicial Systems Audit Director at the Auditor of Public Accounts.

## 6-17 **Audit Documentation Confidentiality**

As indicated by ~~the~~ auditing standards, the auditor has an ethical and, in some situations, a legal obligation to maintain the confidentiality of client information. ~~Because~~Since the Circuit Court Clerk's records contain confidential and personally identifiable information, the auditor



should adopt reasonable procedures to maintain ~~the confidentiality of that information~~the Clerk's records.

#### **6-18 Reporting Requirements**

The auditor is required to submit a letter to the Auditor of Public Accounts, by March 31 each year for all Circuit Court Clerks. The auditor is required to provide assurance as to whether the Clerk accurately recorded transactions on the Court's financial accounting system, whether the Clerk has maintained a proper system of internal controls and records in accordance with the Code of Virginia, and whether the Clerk has complied with significant state laws, regulations, and policies.

In the letter, the auditor should identify which reported findings, if any, represent a material weakness. In regards to the audit of the Circuit Court Clerk, a material weakness includes an internal control weakness that could lead to the loss of revenues or assets or otherwise compromise fiscal accountability.

If the auditor's letter on the results of the audit include internal control matters that could be reasonably expected to lead to the loss of revenue or assets, or otherwise compromise fiscal accountability, the auditor should obtain a written corrective action plan from the Clerk. The auditor should submit a copy of the corrective action plan with the letter to the Auditor of Public Accounts. (See Chapter 3-854 of the 2012-2019 Acts of Assembly, Item 73-71 H2)

A sample letter is available on the APA website in the Local Government Guidelines section, [Circuit Court Clerk's Audit – Sample Letter](#). Please ensure that the name of the locality is specified in the letter.

## SPECIFICATIONS FOR AUDITS OF COUNTIES, CITIES, AND TOWNS

### CHAPTER 7

#### TURNOVER AUDIT OF CIRCUIT COURT CLERKS

For any questions related to audit procedures at this section, please contact Laurie Hicks, APA Audit Director—Local Government and Judicial Systems; 804-225-3350; [laurie.hicks@apa.virginia.gov](mailto:laurie.hicks@apa.virginia.gov).

##### **7-1     General**

The purpose of a turnover audit is to determine the accountability of the outgoing Clerk upon death, resignation, removal, or retirement and to turn over the assets and liabilities to the incoming Clerk. During a turnover audit, the auditor should prepare schedules designed to demonstrate the clerk's accountability at the turnover date and provide a detailed listing of assets and liabilities turned over to the incoming Clerk. Because of this special purpose, the schedules are not intended to be a presentation in conformity with generally accepted accounting principles. The schedules are prepared on the cash basis of accounting.

Upon completion of the audit, the auditor is required to provide prepared Turnover Statements to *both* the *incoming and outgoing* Clerks. The auditor should retain copies of this information in the work papers and send copies to the Auditor of Public Accounts.

An auditor should be in the office of the Clerk at, or promptly following, the close of business under the outgoing Clerk for the purpose of scheduling all cash, cash items, certificates of deposit, and investments. Both the outgoing and incoming Clerks should be present at the time and should certify to the accuracy of the count of cash and other assets. Prepared Turnover Statements serve as Receipts and should be executed by the outgoing and incoming Clerks for all assets turned over to the incoming Clerk.

Turnover audits are subject to the quality control reviews described in Chapter 4 of the Specifications for Audits of Counties, Cities, and Towns. Auditors must make their working papers available for review by the Auditor of Public Accounts upon request.

##### **7-2     Cut Off Procedures**

The auditor should make an attempt to be present on the turnover date to receipt the clerk's assets and to ensure that a proper cutoff is achieved. An accurate cutoff is necessary to determine the outgoing clerk's accountability at the turnover date. The outgoing clerk should prepare deposit slips covering cash on hand to be deposited in the bank the next business day.

The clerk is responsible for notifying the banks and other financial institutions of the turnover. The outgoing clerk should not be permitted to sign any checks after the turnover date. As a result, it is especially important that the incoming clerk notify the banks of the change in authorized check signers.

**Required Audit Procedures:**

- Determine the reason for turnover (i.e. retirement, resignation, death) and the last business day of the outgoing clerk.
- Verify the outgoing clerk's access to all automated systems has been properly deleted.
- Verify the outgoing clerk has been removed as a signatory from all bank accounts used.
- Verify the teste stamps used in the office bearing the outgoing clerk's name have been properly destroyed or modified and new stamps have been received / ordered.
- Determine whether there is a balance in FMS account codes 999, 997 or 399. Determine propriety and possible clerk liability.
- Prepare a schedule of unused manual receipts and unused checks on hand.

**7-3 Cash in Office**

**Required Audit Procedures:**

- A. As of the close of business on the turnover date, agree the court prepared deposit slip for collections to the end of day PCR Report.
- B. Count all cash and cash items in the office. Observe vault and office area for any undeposited funds (including checks attached to instruments that have not been recorded, civil cases not yet entered and garnishment checks awaiting distribution.)
- C. Prepare a schedule of cash and cash items on hand.

**7-4 Cash in Banks**

**Required Audit Procedures:**

- A. Compare bank statement balances to FAS balances for all bank accounts used by the Clerk. Review the most recently completed bank reconciliations and obtain copies of bank account statements through the last business day of the audit period for invested funds and non-invested funds. Determine propriety of any differences.
- B. Prepare a schedule of cash in the bank.

**7-5 Trial Balance**

**Required Audit Procedures:**

Prepare a "Statement of Assets and Liabilities" as of the turnover date using FAS Reports Financial Update Summary (FUS3) and Trial Balance Reports (BR07 and BU11) in conjunction with the schedule of cash and cash items on hand and the schedule of cash in the bank prepared above.

**7-6 Accounts Receivable**

**Required Audit Procedures:**

Prepare a schedule of accounts receivable.

**7-7 Reporting Requirements**

**Requirements:**

The outgoing and incoming Clerks as well as the auditor should sign and retain a copy of each of the signed turnover schedules to include (but not limited to);

- "Schedule of Unused Manual Receipts and Unused Checks"
- "Schedule of Cash and Cash Items on Hand"
- "Schedule of Cash in Bank"
- "Schedule of Accounts Receivable"
- "Statement of Assets and Liabilities"

In the event the turnover engagement discloses fraud or illegal acts involving circumstances that suggest a reasonable possibility that a fraudulent transaction has occurred involving funds or property under the constitutional officer's control and a constitutional officer or employee of the local government may be involved, the auditor must advise the local government officials to report the fraudulent activity to the Auditor of Public Accounts, the Superintendent of the Department of State Police, and the State Inspector General in accordance with Section 30-138 of the Code of Virginia.

One copy of the auditor's report with turnover documents must be submitted to the Auditor of Public Accounts as soon as practical after the audit is complete. Sample formats for the turnover report and turnover schedules are available on the Auditor of Public Accounts' website>Annual Guidelines, Manuals, and Other Procedural Documents>Sample Treasurer Turnover Report and Schedules. Other formats are acceptable to this office if they contain all of the relevant information.

[http://www.apa.virginia.gov/APA\\_Reports/guidelines.aspx](http://www.apa.virginia.gov/APA_Reports/guidelines.aspx)